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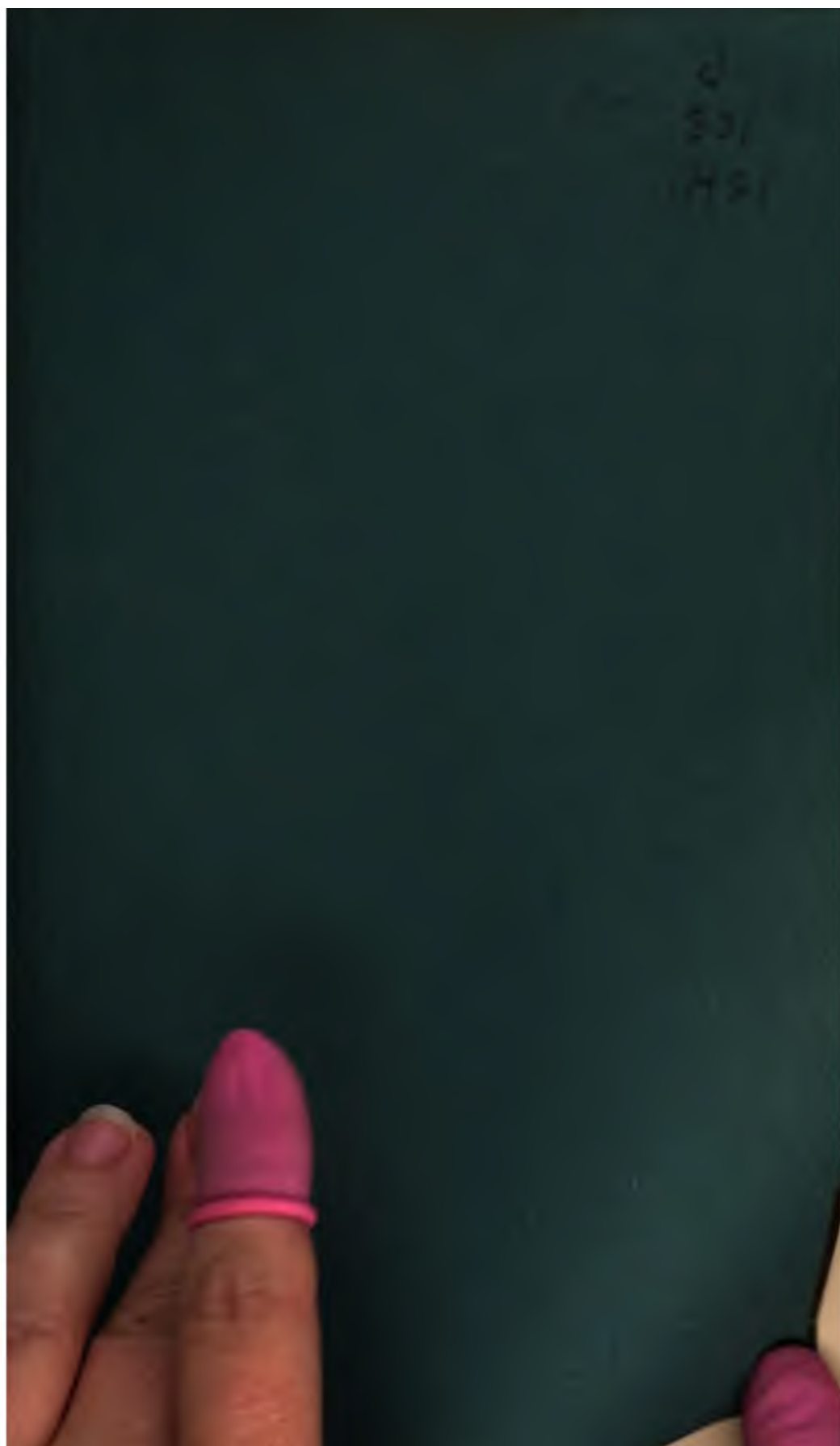
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**HANSARD'S  
PARLIAMENTARY DEBATES,**

**THIRD SERIES:**

**COMMENCING WITH THE ACCESSION OF**

**WILLIAM IV.**

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**44° & 45° VICTORIÆ, 1881.**

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**VOL. CCLXIII.**

**COMPRISING THE PERIOD FROM**

**THE FIFTH DAY OF JULY 1881,**

**TO**

**THE TWENTY-SEVENTH OF JULY 1881.**

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**SEVENTH VOLUME OF THE SESSION.**

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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"

PARLIAMENT—BUSINESS OF THE HOUSE—Ministerial Statement, Mr. Gladstone:—Short debate thereon .. .. . 1204

LAW AND JUSTICE (IRELAND)—JUDGES' CHARGES—MOTION FOR AN ADDRESS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will cause to be procured and to be laid before this House, Copies of the Charges of Judges Harrison and Lawson, of the Lord Justice Fitzgibbon, and of Chief Justice May, at the recent Summer Assize in Ireland,"—(*Lord Randolph Churchill*),—instead thereof .. .. . 1208

Question proposed, "That the words proposed to be left out stand part of the Question:—"After debate, Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—considered in Committee—CIVIL SERVICES AND REVENUE DEPARTMENTS—

(In the Committee.)

Motion made, and Question proposed, "That a further sum, not exceeding £2,345,600, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1882, viz:—

[Then the several Services are set forth] .. .. . 1219

Motion *agreed to*.

After short debate, Resolution to be reported To-morrow, at Two of the clock; Committee to sit again upon *Wednesday*.

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<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Mundella</i> ) ..	1225
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<b>Metropolitan Board of Works (Money) Bill</b> [Bill 204]—	
<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Lord Frederick Cavendish</i> ) ..	1226
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<b>Rivers Conservancy and Floods Prevention (re-committed) Bill</b> [ <i>Lords</i> ] [Bill 120]—	
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<b>Summary Procedure (Scotland) Amendment Bill</b> [ <i>Lords</i> ]—	
<i>Moved</i> , "That the Bill be now read a second time,"—( <i>The Lord Advocate</i> ) ..	1230
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—( <i>Colonel Alexander</i> ):—Question put, and <i>agreed to</i> :—Second Reading <i>deferred till To-morrow</i> .	
<b>Incumbents of Benefices Loans Extension Bill</b> [ <i>Lords</i> ]—	
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<i>Moved</i> , "That the Debate be now adjourned,"—( <i>Mr. T. P. O'Connor</i> ):—	
After short debate, Motion, by leave, <i>withdrawn</i> .	
Original Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed for Thursday</i> .	

## M O T I O N .

—:O:—

<b>Seed Supply and other Acts (Ireland) Amendment Bill—</b>	
Motion for Leave ( <i>Mr. W. E. Forster</i> ) ..	1235
Motion <i>agreed to</i> :—Bill to make provision for the payment by reduced instalments of Loans under "The Seed Supply (Ireland) Act, 1880;" and to amend and explain "The Relief of Distress (Ireland) Amendment Act, 1880," and "The Local Government Board (Ireland) Act, 1872," ordered ( <i>Mr. William Edward Forster</i> , <i>Lord Frederick Cavendish</i> , <i>Mr. Solicitor General for Ireland</i> ); <i>presented</i> , and read the first time [Bill 217.]	

## LORDS, TUESDAY, JULY 19.

<b>Supreme Court of Judicature Bill</b> (No. 147)—	
<i>Moved</i> , "That the House do now resolve itself into Committee,"—( <i>The Lord Chancellor</i> ) ..	1234
After short debate, Motion <i>agreed to</i> :—House in Committee accordingly.	
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The House resumed its Sitting at Nine of the clock.

Progress resumed .. .. 1813  
After long time spent therein, Committee report Progress; to sit again  
To-morrow.

## M O T I O N S.

—:O:—

### POTATO CROP COMMITTEE, 1880—RESOLUTION—

*Moved*, "That, in the opinion of this House, it is expedient that Her Majesty's Government should take steps to carry into effect such of the recommendations of the Potato Crop Committee of 1880 as relate to Ireland, by promoting the creation and establishment of new varieties of the Potato; by facilitating the progress of further experiments as the best means of lessening the spread of the Potato Disease; and by bringing within the reach of small farmers supplies of sound seed to be obtained for cash payments,"—(*Major Nolan*).. .. 1862

After short debate, Amendment proposed, to leave out from the word "Disease" to the end of the Question,—(*Mr. Denis O'Conor*.)

Question proposed, "That the words proposed to be left out stand part of the Question:"—After further short debate, Amendment and Motion, by leave, *withdrawn*.

### Poor Relief and Audit of Accounts (Scotland) Bill—

*Moved*, "That Sir EDWARD COLEBROOKE and Mr. ARTHUR BALFOUR be added to the Select Committee on the said Bill,"—(*The Lord Advocate*) 1866

After short debate, Question, "That the Select Committee on the Poor Relief and Audit of Accounts (Scotland) Bill do consist of Twenty-one Members,"—(*The Lord Advocate*,)—put, and *agreed to*.

Original Question, "That Sir EDWARD COLEBROOKE and Mr. ARTHUR BALFOUR be added to the Select Committee on the said Bill,"—(*The Lord Advocate*,)—put, and *agreed to*.

**Bills of Exchange Bill—Ordered** (*Sir John Lubbock, Mr. Arthur Cohen, Mr. Lewis Fry, Sir John Holker, Mr. Monk*); *presented*, and read the first time [Bill 218] .. 1867

## LORDS, WEDNESDAY, JULY 20.

The House met;—And having gone through the Business on the Paper,  
without debate— [House adjourned.]

## COMMONS, WEDNESDAY, JULY 20.

**TRANSVAAL RISING—Observations**, Sir Michael Hicks-Beach; Reply, Mr. Gladstone .. .. 1868

## O R D E R S   O F   T H E   D A Y.

—o—

### Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress 19th July*] [THIRTY-FIRST NIGHT] 1874

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To-morrow.

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### POTATO CROP COMMITTEE—

*Resolved*, That, in the opinion of this House, it is expedient that Her Majesty's Government should take steps to carry into effect such of the recommendations of the Potato Crop Committee of 1880 as relate to Ireland, by *facilitating the progress of further experiments as to the best means of lessening the spread of the Potato Disease, and promoting the creation and establishment of new varieties of the Potato*,—(*Mr. William Edward Forster*.)

## LORDS, THURSDAY, JULY 21.

<b>Supreme Court of Judicature Bill (No. 147)—</b>	
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## COMMONS, THURSDAY, JULY 21.

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### Land Law (Ireland) Bill [Bill 135]—

Bill considered in Committee [*Progress 20th July*] [THIRTY-SECOND NIGHT] 1478  
After long time spent therein, Committee report Progress; to sit again  
To-morrow, at Two of the clock.

### Rivers Conservancy and Floods Prevention (*re-committed*) Bill [Lords] [Bill 120]—

Order for Committee read .. .. 1591  
After short debate, Committee deferred till Monday next.

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After short debate, Second Reading <i>deferred</i> till <i>Monday</i> next.	
<b>Public Loans (Ireland) Remission Bill [Bill 212]—</b>	
Order for Committee read :— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—( <i>Lord Frederick Cavendish</i> ) ..	1592
After short debate, Motion <i>agreed to</i> .	
Bill <i>considered</i> in Committee, and <i>reported</i> , without Amendment; to be read the third time <i>To-morrow</i> , at Two of the clock.	
<b>Statute Law Revision and Civil Procedure Bill [<i>Lords</i>]—</b>	
<i>Moved</i> , “That the Bill be now read a second time,”—( <i>Mr. Attorney General</i> ) ..	1595
After short debate, <i>Moved</i> , “That the Debate be now adjourned,”—( <i>Mr. T. P. O'Connor</i> :)—After further short debate, Question put :—The House <i>divided</i> ; Ayes 5, Noes 71; Majority 66.—( <i>Div. List, No. 319.</i> )	
Original Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Monday</i> next.	
<b>Removal Terms (Scotland) Bill [Bill 8]—</b>	
Bill <i>considered</i> in Committee ..	1597
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—	
<b>Drainage (Ireland) Provisional Order Bill—Ordered (<i>Mr. John Holms, Lord Frederick Cavendish</i>); presented, and read the first time [Bill 220] ..</b>	1604
<b>PUBLIC WORKS LOANS [ADVANCES]—</b>	
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## LORDS, FRIDAY, JULY 22.

<b>Cottiers and Cottars (Dwellings) Bill—</b>	
Bill to provide sanitary supervision and sufficient accommodation in the dwellings of the cottiers and cottier tenants of Ireland and of the cottars, crofters, or sub-tenants of the Islands and Highlands of Scotland, together with an adequate amount of ground cultivable as allotment or croft— <i>Presented</i> ( <i>The Lord Wavenny</i> ); read 1 <sup>a</sup> (No. 174) ..	1604
<b>British Honduras (Court of Appeal) Bill [H.L.]—Presented (<i>The Earl of Kimberley</i>); read 1<sup>a</sup> (No. 167) ..</b>	1608

## COMMONS, FRIDAY, JULY 22.

### PRIVATE BUSINESS.

<b><i>Earl of Hardwicke's Estate Bill</i> [<i>Lords</i>]—</b>	
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<i>Moved, "That this House do now adjourn,"—(Mr. M'Coan:)—After short</i>	
<i>debate, Motion, by leave, withdrawn.</i>	

## ORDERS OF THE DAY.

<b>Land Law (Ireland) Bill [Bill 135]—</b>	
Bill <i>considered</i> in Committee [ <i>Progress 21st July</i> ] [THIRTY-THIRD NIGHT]	1625
After long time spent therein, it being ten minutes before Seven of the	
clock, the Chairman reported Progress; Committee to sit again <i>this day</i> .	
<b>Public Loans (Ireland) Remission Bill [Bill 212]—</b>	
Order for Third Reading read ..	1674
Third Reading <i>deferred</i> till <i>this day</i> .	
The House suspended its Sitting at five minutes to Seven of the clock.	
The House resumed its Sitting at Nine of the clock.	
<b>Land Law (Ireland) Bill [Bill 135]—</b>	
Progress <i>resumed</i> ..	1674
After long time spent therein, Bill <i>reported</i> ; as amended, to be considered	
upon <i>Tuesday</i> next, at Two of the clock, and to be <i>printed</i> . [Bill 225.]	
<b>Metropolitan Board of Works (Money) Bill [Bill 204]—</b>	
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave	
the Chair,"—( <i>Lord Frederick Cavendish</i> ) ..	1728
Amendment proposed, to leave out from the word "That" to the end of	
the Question, in order to add the words "the Bill be referred to a	
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 <b>Removal Terms (Scotland) Bill</b> [Bill 8]—	
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 <b>PUBLIC WORKS LOANS</b> [ADVANCES]—	
<i>Considered</i> in Committee ..	1734
Resolution <i>agreed to</i> ; to be reported upon <i>Monday</i> next.	
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## LORDS, MONDAY, JULY 25.

<b>Reformatory Institutions (Ireland) Bill</b> (No. 172)—	
<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Lord Emly</i> ) ..	1734
Motion <i>agreed to</i> :—Bill read 2 <sup>a</sup> accordingly, and <i>committed</i> to a Committee of the Whole House <i>To-morrow</i> .	
 <b>Universities of Oxford and Cambridge (Statutes) Bill</b> [H.L.]— <i>Presented</i> ( <i>The Lord President</i> ); read 1 <sup>a</sup> (No. 178) ..	
	1735
 <b>Patriotic Fund Bill</b> [H.L.]— <i>Presented</i> ( <i>The Earl of Northbrook</i> ); read 1 <sup>a</sup> (No. 183) ..	
	1735

## COMMONS, MONDAY, JULY 25.

### PRIVATE BUSINESS.

<i>Croker Estate Bill</i> [ <i>Lords</i> ]—	
Order for Second Reading read ..	1735
After short debate, Bill read a second time, and <i>committed</i> .	

### QUESTIONS.

<b>ROYAL IRISH CONSTABULARY</b> —ANDREW PRICE—Questions, Mr. Biggar;	
Answers, The Attorney General for Ireland ..	1736
<b>STATE OF IRELAND</b> —ALLEGED OUTRAGE IN CAVAN—Question, Mr. Biggar;	
Answer, The Attorney General for Ireland ..	1737
<b>EVICTIONS (IRELAND)</b> —THE RENVYLE ESTATE—Question, Mr. Justin M'Carthy; Answer, The Attorney General for Ireland..	
	1737
<b>CUSTOMS BENEVOLENT FUND</b> —THE "BILL OF ENTRY"—Question, Baron Henry De Worms; Answer, Mr. J. Holms ..	
	1739
<b>LAW AND JUSTICE</b> —JUSTICES IN BOROUGH—Question, Mr. J. K. Cross;	
Answer, Sir William Harcourt ..	1739
<b>SPAIN AND ENGLAND</b> —GIBRALTAR—THE NEUTRAL GROUND AND MARITIME JURISDICTION—Question, Mr. O'Shea; Answer, Sir Charles W. Dilke	
	1740
<b>METROPOLIS</b> —PAROCHIAL CHARITIES OF THE CITY OF LONDON—Question, Sir Henry Peek; Answer, Sir William Harcourt ..	
	1740

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ROYAL IRISH CONSTABULARY—RELIGIOUS PERSUASIONS—Question, Lord Arthur Hill; Answer, The Attorney General for Ireland ..	1743
EDUCATION DEPARTMENT—VOLUNTARY SCHOOLS—Question, Lord George Hamilton; Answer, Mr. Mundella .. .. .	1744
PARLIAMENT—ELECTION PETITIONS—SCHEDULED PERSONS—Question, Mr. Warton; Answer, The Attorney General .. .. .	1745
PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—TREATMENT OF PRISONERS UNDER THE ACT—Question, Mr. Charles Russell; Answer, The Attorney General for Ireland .. .. .	1745
NAVY—RETIRED CHIEF GUNNERS, &c.—Question, Sir H. Drummond Wolff; Answer, Mr. Trevelyan .. .. .	1746
PUBLIC HEALTH—THE WOOL SORTERS' DISEASE—Question, Mr. Wilbraham Egerton; Answer, Mr. Mundella .. .. .	1746
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EVICCTIONS (IRELAND)—CASE OF ELLEN OLWILL—Question, Mr. Biggar; Answer, The Attorney General for Ireland .. .. .	1748
CUSTOMS—THE TOBACCO DUTIES—Question, Sir H. Drummond Wolff; Answer, Mr. Gladstone .. .. .	1748
WAYS AND MEANS—INLAND REVENUE—BENEFIT BUILDING SOCIETIES—STAMPS ON CHEQUES—Question, Mr. C. M'Laren; Answer, Mr. Gladstone .. .. .	1749
SEIZURE OF EXPLOSIVE MACHINES AT LIVERPOOL—Questions, Viscount Sandon, Mr. Bellingham; Answers, Sir William Harcourt ..	1750
NICARAGUA—AWARD OF THE EMPEROR OF AUSTRIA—Question, Mr. P. J. Smyth; Answer, Sir Charles W. Dilke .. .. .	1754
METROPOLITAN BOARD OF WORKS (MONEY) BILL—Question, Mr. Monk; Answer, Mr. Speaker .. .. .	1754
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TUNIS (POLITICAL AFFAIRS)—Question, Lord Randolph Churchill; Answer, Mr. Gladstone .. .. .	1755
INDIA (FINANCE, &c.)—THE INDIAN BUDGET—Question, Mr. O'Donnell; Answer, Mr. Gladstone .. .. .	1755

## M O T I O N S .

### PARLIAMENT—BUSINESS OF THE HOUSE—RESOLUTION—

*Moved*, "That the Orders of the Day be postponed until after the Notice of Motion relating to the Transvaal,"—(Mr. Gladstone.)

*Motion agreed to.*

### TRANSVAAL RISING—RESOLUTION—

*Moved*, "That, in the opinion of this House, the course pursued by Her Majesty's Government with respect to the rising in the Transvaal, so far as it has yet been explained to Parliament, has resulted in the loss of valuable lives without vindicating the authority of the Crown, is fraught with danger to the future tranquillity and safety of Her Majesty's dominions in South Africa, and fails to provide for the fulfilment of the obligations contracted by this Country towards the European settlers and native population of the Transvaal,"—(Sir Michael Hicks-Beach) .. 1756



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<b>TRANSVAAL RISING—RESOLUTION—continued.</b>	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House, believing that the continuance of the War with the Transvaal Boers would not have advanced the honour or the interests of this Country, approves the steps taken by Her Majesty's Government to bring about a peaceful settlement, and feels confident that every care will be taken to guard the interests of the natives, to provide for the full liberty and equal treatment of the entire white population, and to promote harmony and good will among the various races in South Africa,"—( <i>Mr. Rathbone</i> ),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House divided; Ayes 205, Noes 314; Majority 109.	
Division List, Ayes and Noes	.. 1876
Words added:—Main Question, as amended, put, and agreed to.	

## ORDERS OF THE DAY.

<b>Petroleum (Hawking) Bill [Lords] [Bill 222]—</b>	
Moved, "That the Bill be now read a second time,"—( <i>Mr. Courtney</i> )	.. 1880
Motion agreed to:—Bill read a second time, and committed for To-morrow, at Two of the clock.	
<b>Metropolitan Board of Works (Money) Bill [Bill 204]—</b>	
Moved, "That the Bill be now considered,"—( <i>Lord Frederick Cavendish</i> )	1880
Amendment proposed,	
To leave out the words "now considered," in order to insert the words "referred to a Select Committee to be nominated by the Committee of Selection in like manner as Private Bills,"—( <i>Mr. Monk</i> .)	
Question proposed, "That the words 'now considered' stand part of the Question.	
After short debate, Question put, and agreed to:—Main Question put, and agreed to:—Bill considered; to be read the third time To-morrow, at Two of the clock.	
<b>PUBLIC WORKS LOANS [ADVANCES]—</b>	
Resolution [July 22] reported, and agreed to.	
Instruction to the Committee on the Public Works Loans Bill, That they have power to make provision therein pursuant to the said Resolution; also to make provision for the erection and maintenance of a Lighthouse on the Island of Minicoy; and for amending "The Labouring Classes Lodging Houses and Dwellings Act (Ireland) 1866."	

## LORDS, TUESDAY, JULY 26.

<b>Industrial Schools Bill (No. 158)—</b>	
Moved, "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Lord Norton</i> )	.. 1884
After short debate, Motion agreed to:—Bill read 2 <sup>a</sup> .	
<b>British Honduras (Court of Appeal) Bill (No. 167)—</b>	
Moved, "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Earl of Kimberley</i> )	.. 1889
Motion agreed to:—Bill read 2 <sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.	
<b>Pedlars (Certificates) Bill (No. 163)—</b>	
Moved, "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Earl of Dalhousie</i> )	.. 1890
Motion agreed to:—Bill read 2 <sup>a</sup> accordingly, and committed to a Committee of the W <sup>h</sup> on Thursday next.	

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<i>Moved</i> , "That the Bill be now read 2 <sup>d</sup> ,"—( <i>The Earl of Dalhousie</i> ) ..	1890
<i>Motion agreed to</i> :—Bill read 2 <sup>d</sup> accordingly, and committed to a Committee of the Whole House on <i>Thursday</i> next.	
<b>Coroners (Ireland) Bill (No. 134)—</b>	
House in Committee (according to order) ..	1890
Bill <i>reported</i> without Amendment; and to be read 3 <sup>d</sup> on <i>Thursday</i> next.	
<b>Seed Supply and other Acts Amendment Bill (No. 177)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>d</sup> ,"—( <i>The Lord Carlingford</i> ) ..	1892
<i>Motion agreed to</i> :—Bill read 2 <sup>d</sup> accordingly, and committed to a Committee of the Whole House on <i>Thursday</i> next.	

COMMONS, TUESDAY, JULY 26.

### QUESTIONS.

<b>PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. F. O'GALLAGHER, A PRISONER UNDER THE ACT—Questions, Mr. Healy; Answers, Mr. W. E. Forster ..</b>		1893
<b>CENTRAL ASIA—RUSSIAN ADVANCES—KUCHAN—Questions, Mr. E. Stanhope, Mr. Ashmead-Bartlett; Answers, Sir Charles W. Dilke ..</b>		1894
<b>THE PARKS (METROPOLIS)—THE RIDE IN ROTTEN ROW—Question, Sir Thomas Bateson; Answer, Mr. Shaw Lefevre ..</b>		1895
<b>PUBLIC HEALTH—THE HOP-PICKING SEASON—SMALL-POX—Question, Mr. J. G. Talbot; Answer, Mr. Dodson ..</b>		1896
<b>ARMY—COLONEL TYRWHITT—Question, Mr. Biggar; Answer, Mr. Childers ..</b>		1896
<b>PARLIAMENT—PRIVILEGE—PUBLIC PETITIONS—THE BRADLAUGH PETITION—Question, Mr. Warton; Answer, Sir William Harcourt ..</b>		1897
<b>LORD CHIEF JUSTICE, &amp;c. (PATRONAGE)—THE RETURN—Question, Mr. H. H. Fowler; Answer, Sir William Harcourt ..</b>		1898
<b>FISHERIES—NORTH SEA FISHERIES—DEPREDACTIONS ON ENGLISH FISHERMEN—Questions, Colonel Barne, Mr. Birkbeck; Answers, Sir Charles W. Dilke, Mr. Trevelyan ..</b>		1899
<b>ARMY ORGANIZATION—THE ROYAL WARRANT, 1881—ARTILLERY OFFICERS—Question, Mr. Cobbold; Answer, Mr. Childers ..</b>		1900
<b>INDIA (FINANCE, &amp;c.)—THE INDIAN BUDGET—Question, Mr. E. Stanhope; Answer, The Marquess of Hartington ..</b>		1900
<b>CUSTOMS' DEPARTMENT—COLLECTORS OF CUSTOMS—Question, Mr. Jackson; Answer, Lord Frederick Cavendish ..</b>		1900
<b>COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS)—Question, Mr. Mac Iver; Answer, Sir Charles W. Dilke ..</b>		1901
<b>SEIZURE OF EXPLOSIVE MACHINES AT LIVERPOOL—Question, Viscount Sandon; Answer, Sir Charles W. Dilke ..</b>		1902

### ORDER OF THE DAY.

<b>Land Law (Ireland) Bill—[Bill 225]—</b>	
Bill, as amended, <i>considered</i> ..	1902
After debate, it being now ten minutes to Seven of the clock, further Proceeding on Consideration, as amended, <i>deferred</i> till <i>this day</i> .	
The House suspended its Sitting at Seven of the clock.	
The House resumed its Sitting at Nine of the clock.	

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Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House, believing that the continuance of the War with the Transvaal Boers would not have advanced the honour or the interests of this Country, approves the steps taken by Her Majesty's Government to bring about a peaceful settlement, and feels confident that every care will be taken to guard the interests of the natives, to provide for the full liberty and equal treatment of the entire white population, and to promote harmony and good will among the various races in South Africa,"—( <i>Mr. Rathbone</i> ,)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Question put :—The House divided ; Ayes 205, Noes 314 ; Majority 109.	
Division List, Ayes and Noes .. .. .	1876
Words added :—Main Question, as amended, put, and <i>agreed to</i> .	

## ORDERS OF THE DAY.

<b>Petroleum (Hawking) Bill [<i>Lords</i>] [Bill 222]—</b>	
<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Courtney</i> ) .. 1880	
Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>To-morrow</i> , at Two of the clock.	
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<i>Moved</i> , "That the Bill be now considered,"—( <i>Lord Frederick Cavendish</i> ) 1880	
Amendment proposed,	
To leave out the words "now considered," in order to insert the words "referred to a Select Committee to be nominated by the Committee of Selection in like manner as Private Bills,"—( <i>Mr. Monk</i> .)	
Question proposed, "That the words 'now considered' stand part of the Question.	
After short debate, Question put, and <i>agreed to</i> :—Main Question put, and <i>agreed to</i> :—Bill <i>considered</i> ; to be read the third time <i>To-morrow</i> , at Two of the clock.	
<b>PUBLIC WORKS LOANS [ADVANCES]—</b>	
Resolution [July 22] <i>reported</i> , and <i>agreed to</i> .	
<i>Instruction</i> to the Committee on the Public Works Loans Bill, That they have power to make provision therein pursuant to the said Resolution ; also to make provision for the erection and maintenance of a Lighthouse on the Island of Minicoy ; and for amending "The Labouring Classes Lodging Houses and Dwellings Act (Ireland) 1866."	
<b>LORDS, TUESDAY, JULY 26.</b>	
<b>Industrial Schools Bill (No. 158)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>d</sup> ,"—( <i>The Lord Norton</i> ) .. 1884	
After short debate, Motion <i>agreed to</i> :—Bill read 2 <sup>d</sup> .	
<b>British Honduras (Court of Appeal) Bill (No. 167)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>d</sup> ,"—( <i>The Earl of Kimberley</i> ) .. 1889	
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<b>Pedlars (Certificates) Bill (No. 163)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>d</sup> ,"—( <i>The Earl of Dalhousie</i> ) .. 1890	
Motion <i>agreed to</i> :—Bill read 2 <sup>d</sup> accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Thursday</i> next.	

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<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Earl of Dalhousie</i> ) ..	1890
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House in Committee (according to order) ..	1890
Bill <i>reported</i> without Amendment; and to be read 3 <sup>a</sup> on <i>Thursday</i> next.	
<b>Seed Supply and other Acts Amendment Bill (No. 177)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Lord Carlisle</i> ) ..	1892
<i>Motion agreed to</i> :—Bill read 2 <sup>a</sup> accordingly, and committed to a Committee of the Whole House on <i>Thursday</i> next.	

COMMONS, TUESDAY, JULY 26.

## QUESTIONS.

<b>PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. F. O'GALLAGHER, A PRISONER UNDER THE ACT—Questions, Mr. Healy; Answers, Mr. W. E. Forster ..</b>		1893
<b>CENTRAL ASIA—RUSSIAN ADVANCES—KUCHAN—Questions, Mr. E. Stanhope, Mr. Ashmead-Bartlett; Answers, Sir Charles W. Dilke ..</b>		1894
<b>THE PARKS (METROPOLIS)—THE RIDE IN ROTTEN ROW—Question, Sir Thomas Bateson; Answer, Mr. Shaw Lefevre ..</b>		1895
<b>PUBLIC HEALTH—THE HOP-PICKING SEASON—SMALL-POX—Question, Mr. J. G. Talbot; Answer, Mr. Dodson ..</b>		1896
<b>ARMY—COLONEL TYRWHITT—Question, Mr. Biggar; Answer, Mr. Childers ..</b>		1896
<b>PARLIAMENT—PRIVILEGE—PUBLIC PETITIONS—THE BRADLAUGH PETITION—Question, Mr. Warton; Answer, Sir William Harcourt ..</b>		1897
<b>LORD CHIEF JUSTICE, &amp;c. (PATRONAGE)—THE RETURN—Question, Mr. H. H. Fowler; Answer, Sir William Harcourt ..</b>		1898
<b>FISHERIES—NORTH SEA FISHERIES—DEPREDACTIONS ON ENGLISH FISHERMEN—Questions, Colonel Barne, Mr. Birkbeck; Answers, Sir Charles W. Dilke, Mr. Trevelyan ..</b>		1899
<b>ARMY ORGANIZATION—THE ROYAL WARRANT, 1881—ARTILLERY OFFICERS—Question, Mr. Cobbold; Answer, Mr. Childers ..</b>		1900
<b>INDIA (FINANCE, &amp;c.)—THE INDIAN BUDGET—Question, Mr. E. Stanhope; Answer, The Marquess of Hartington ..</b>		1900
<b>CUSTOMS' DEPARTMENT—COLLECTORS OF CUSTOMS—Question, Mr. Jackson; Answer, Lord Frederick Cavendish ..</b>		1900
<b>COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS)—Question, Mr. Mac Iver; Answer, Sir Charles W. Dilke ..</b>		1901
<b>SEIZURE OF EXPLOSIVE MACHINES AT LIVERPOOL—Question, Viscount Sandon; Answer, Sir Charles W. Dilke ..</b>		1902

## ORDER OF THE DAY.

<b>Land Law (Ireland) Bill—[Bill 225]—</b>	
Bill, as amended, <i>considered</i> ..	1902
After debate, it being now ten minutes to Seven of the clock, further Proceeding on Consideration, as amended, <i>deferred till this day</i> .	
The House suspended its Sitting at Seven of the clock.	
The House resumed its Sitting at Nine of the clock.	

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After debate, further Proceeding on Consideration, as amended, <i>deferred</i> till <i>To-morrow</i> .	
<b>Petroleum (Hawking) Bill [Lords] [Bill 222]—</b>	
Order for Committee read :— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—( <i>Mr. Courtney</i> )	.. 1966
<i>Moved</i> , "That the Debate be now adjourned,"—( <i>Mr. Hopwood</i> :)—After short debate, Motion, by leave, <i>withdrawn</i> .	
Original Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee.	
Committee report Progress ; to sit again upon <i>Thursday</i> .	
<b>Superannuation Act (Post Office and Works) Bill—Ordered</b> ( <i>Lord Frederick Cavendish, Mr. John Holmes</i> ) ; <i>presented</i> , and read the first time [Bill 228]	.. 1969

### LORDS, WEDNESDAY, JULY 27.

The House met ;—And having gone through the Business on the Paper,  
without debate—[House adjourned]

### COMMONS, WEDNESDAY, JULY 27.

#### NOTICE OF RESOLUTION.

<b>LAND LAW (IRELAND) BILL—Notice of Resolution, Lord Randolph Churchill</b>	.. 1970
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#### ORDER OF THE DAY.

<b>Land Law (Ireland) Bill [Bill 225]—</b>	
Further Proceeding on Consideration, as amended, <i>resumed</i>	.. 1970
After debate, it being a quarter of an hour before Six of the clock, further Proceeding on Consideration of the Bill, as amended, stood adjourned till <i>To-morrow</i> .	
<b>Infectious Diseases (Notification) Bill—Ordered</b> ( <i>Mr. Hastings, Sir Trevor Lawrence, Dr. Farquharson, Mr. Brinton</i> ) ; <i>presented</i> , and read the first time [Bill 229]	.. 2008

### NEW PEER.

TUESDAY, JULY 5.

The Right Honourable Sir Odo William Leopold Russell (commonly  
called Lord Odo William Leopold Russell), G.C.B., G.C.M.G., Her  
Majesty's Ambassador Extraordinary and Plenipotentiary to the  
Emperor of Germany, created Baron Ampthill of Ampthill in the  
county of Bedford.

### NEW MEMBER SWORN.

MONDAY, JULY 18.

*Elgin District of Burghs*—Alexander Asher, esquire.

# HANSARD'S PARLIAMENTARY DEBATES

IN THE

SECOND SESSION OF THE TWENTY-SECOND PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 29 APRIL, 1880, IN THE FORTY-THIRD  
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SEVENTH VOLUME OF SESSION 1881.

## HOUSE OF LORDS,

*Tuesday, 5th July, 1881.*

**MINUTES.]**—PUBLIC BILLS—*First Reading*—  
Supreme Court of Judicature (147).  
*Second Reading*—Tramways Orders Confirmation (No. 1)\* (126); Tramways Orders Confirmation (No. 2)\* (126); Tramways Orders Confirmation (No. 3)\* (135); Pier and Harbour Orders Confirmation\* (122); Lunacy Districts (Scotland) (108); Burial Grounds (Scotland) Act (1855) Amendment (131).  
*Committee*—Summary Procedure (Scotland) Amendment (99).  
*Report*—Veterinary Surgeons\* (127); Summary Jurisdiction (Process)\* (124).  
*Third Reading*—Gas Provisional Orders\* (97), and passed.

### NEW PEER.

The Right Honourable Sir Odo William Leopold Russell (commonly called Lord Odo William Leopold Russell), G.C.B., G.C.M.G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of Germany having been created Baron Ampthill of Ampthill in the county of Bedford—Was (in the usual manner) introduced.

VOL. CCLXIII. [THIRD SERIES.]

### ARMY—DEATHS BY SUNSTROKE AT ALDERSHOT.—QUESTION.

THE EARL OF CAMPERDOWN asked the Under Secretary of State for War as to a statement appearing in the morning papers that at the Review at Aldershot yesterday two men died from the effects of the heat, while two more were not expected to survive, and a number of others were admitted to the military hospitals suffering from the effects of the heat. He would be glad to hear any facts with regard to the matter, and any explanation of how it was that the troops were exposed several hours to the greatest heat of the day.

THE EARL OF MORLEY: My Lords, I regret to say that a certain number of men who took part in the Review at Aldershot yesterday were subsequently admitted to hospital suffering from the effects of the extreme heat, and no fewer than four have since died. This is a very sad occurrence. The Secretary of State for War, on hearing of it this morning, telegraphed to the General commanding at Aldershot for information. We have not yet received as full information as we could wish; but if my noble Friend will repeat his Question

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on Thursday I shall probably be able to answer it satisfactorily.

THE DUKE OF CAMBRIDGE: My Lords, I was actually present at Aldershot yesterday, and I had no idea that anything of the kind had occurred. I was so astonished when I heard of it, that I did not believe a word of it. When I came home from Aldershot, everybody said—"What a dreadful day you have had!" I said—"No; it was warm, but not unpleasantly warm." I asked my Staff, who gave the same answer. It certainly was a very hot day, but there was a very fair breeze on the hill, and it only became unpleasantly warm as I came towards London. I have certainly been out at field exercises 50 times on much hotter days, and I can assure your Lordships that there was nothing unusual in the weather, and as for falling out, I never saw so few men fall out on a field-day. There was no review at all; it was a simple field-day. The troops were ready to advance when I arrived, and the whole of the affair was over in a short time. There was no standing in the sun for a long period. The troops only marched past on their way home, and did not even come round again. I never was so surprised in my life, and I do not see how these accidents could be prevented.

#### LUNACY DISTRICTS (SCOTLAND)

BILL.—(No. 108.)

(*The Earl of Dalhousie.*)

#### SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said, that the aim of the Bill was to amend a state of matters created by the Prisons Act of 1877. Previous to that time power to alter the lunacy districts was vested in the Commissioners of Lunacy, who were able to act on receiving an application through the local Prison Board. The Prisons Act, by abolishing the local Prison Boards, deprived the Lunacy Commissioners of the initiative by which alone they were able to act. By this Bill the powers would be conferred on the Commissioners after the permission of the Secretary of State for the Home Department had been obtained.

*The Earl of Morley*

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Earl of Dalhousie.*)

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.

#### SUMMARY PROCEDURE (SCOTLAND)

AMENDMENT BILL.—(No. 99.)

(*The Earl of Dalhousie.*)

#### COMMITTEE.

House in Committee (according to order).

LORD BALFOUR OF BURLEIGH asked for an explanation of the 4th clause of the Bill, which provided that a table of fees in Schedule A and no other higher fees would be allowed on taxation. A subsequent clause provided that the costs in a case under this Act should not exceed £1. How was that clause to be carried out when Schedule A provided a higher scale of fees, for if Schedule A fees were to be exacted under the Bill they would amount to a larger sum than £1. How, then, was this consistent with the other clause of the Bill that no more costs than £1 were to be exacted?

THE EARL OF DALHOUSIE said, he could not answer the Question; but if their Lordships would allow the Bill to pass as it stood, he would undertake to get the explanation of that point when it came forward on the Report.

LORD BALFOUR OF BURLEIGH said, he was satisfied with the promise of the noble Earl.

An Amendment made: The Report thereof to be received on Thursday next.

#### BURIAL GROUNDS (SCOTLAND) ACT, 1855, AMENDMENT BILL.—(No. 131.)

(*The Earl of Camperdown.*)

#### SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CAMPERDOWN, in moving that the Bill be now read a second time, said, its objects was to give to parochial authorities increased powers with regard to burial grounds or cemeteries in Scotland. At the present time, when a parochial authority wished to supply a burial ground they were obliged to set aside the half of the ground for the use of the poor. It was found, in practice, that the portion set aside for

general use was all allocated before that reserved for the poor was used up. It then became necessary to purchase new ground, which had to be subdivided in the same proportion, notwithstanding that the ground of the poor was not nearly exhausted. The arrangement was needlessly expensive, and the proposal of the Bill was that, with the consent of the Sheriff, the parochial authorities should be allowed to allocate burial grounds for such purposes and in such proportions as might be found most convenient.

*Moved, "That the Bill be now read 2<sup>a</sup>."*  
—(*The Earl of Camperdown.*)

*Motion agreed to; Bill read 2<sup>a</sup> accordingly.*

#### TRIPOLI.

##### ADDRESS FOR PAPERS.

EARL DE LA WARR, in rising to ask a question of the Secretary of State for Foreign Affairs as to the alleged statement of M. Tissot, the French Ambassador at Constantinople, to the effect that instructions had been given to the general in command of the French troops to cross the Tunisian frontier into Tripoli, if necessary for the preservation of order; also if any information can be given with regard to the military organization which is stated to be taking place in Tripoli under the Turkish governor, Nasif Pacha, in consequence, as alleged, of the occupation of Tunis by the French; also to move that an humble Address be presented to Her Majesty for papers and correspondence relative to Tripoli? said, he felt that he ought to offer an apology for again bringing this question under the consideration of the House. His apology was the great urgency of the case, and the more than usual reserve on the part of Her Majesty's Government in withholding information, and in not giving the least information as to what would be their policy on a question which, he was sure, the noble Earl opposite would admit was one of a very grave nature. Arising on all sides were alarming indications of what might result in massacre and bloodshed, and what had begun in Tunis might not end there. Already we heard of a large mobilization of French troops, of the probable bombardment of Sfax, which was not very far distant from the Fron-

tier of Tripoli, of the pillage of the town by the Natives, of British subjects being killed, of hundreds of Europeans, including British subjects, taking refuge on board ships, though no English ships of war were there; of the probable occupation by French troops of the town of Cables and of the Island of Djerba, near the extreme limit of the Frontier of Tunis adjoining Tripoli—these, and other rapidly progressing events, pointed most unmistakably to two things—the French occupation of Tripoli, or a rising among the Natives, which could only be repressed by military force. Granting, as he believed the noble Marquess below him (the Marquess of Salisbury) did, that there was a legitimate exercise of French influence in Tunis, of which this country need not be jealous—granting this, he would say that the question had now assumed a new phase, as the occupation by French troops of a portion of the territory of Tripoli might at any moment take place. It had been stated, and if incorrectly, he hoped the noble Earl opposite would say so, that the French troops had received instructions to cross the Tunisian Frontier into Tripoli, if necessary, for the preservation of order. Now, there was a very remarkable resemblance between this statement and what had occurred in connection with the crossing of the Frontier between Algeria and Tunis. A pretext was only wanting, and an Arab Tribe had only to be irritated, and the pretext was at hand. But what would be the consequences? Tripoli was an undoubted portion of the Ottoman Empire. It was protected by Treaties as fully as any other part of the Sultan's Dominions; and was it for a moment to be supposed that Turkey would allow French troops to enter any portion of the territory of Tripoli without the consent of the Sultan? He trusted that the noble Earl would tell their Lordships whether the Governor of Tripoli had not been making military preparations in the event of this emergency. Was it likely, he asked, that Italy could remain unmoved by events which were passing almost within sight of her own shores—events which must have a great influence upon her future prospects? This country had long been on friendly terms with the countries of Northern Africa, and they had placed confidence in England's good faith and in English



influence; but their trust had been much shaken by recent events. He desired to give credit to Her Majesty's Government for their intention to serve the interests of this country, and he regretted to be obliged to differ from them upon this important question. He sincerely hoped, however, that they would be able to give some indication of the policy which would be pursued with regard to the daily increasing difficulties in the countries of Northern Africa.

LORD STANLEY OF ALDERLEY said, the recent complaint of the French with regard to the measures taken for the protection of Tripoli had no more foundation than the complaint of the wolf against the lamb. Tripoli was 12 degrees to the East of the Province of Oran, where the Algerine insurrection had taken place, and it was impossible for news to have been carried in that short space of time from Tripoli to near Oran through the Desert. There were, besides, no direct lines of communication between Tripoli and the district South of Oran, for in the Sahara the roads ran mostly North and South, and there were no lateral communications. The cause of the insurrection in Algeria was due to the French themselves, and to their conduct only, in invading Tunis, and to the excesses committed by some of their forces on entering the Regency of Tunis. Since that it was reported that the division of General Logerot, on its way back to Constantina, about 12 days ago, had burned the crops and date trees of the tribes, and carried off 18,000 cattle and 700 women, the women having been subsequently released. The French papers had also lately adopted a plan of writing of affairs which were totally distinct and geographically distant in the same paragraph, so as to mislead ignorant persons to imagine that they were connected with one another. Thus they had connected the Khroumirs with the slaughter of an expedition in the Sahara, and now they were mixing up a rising in Tunis with that in Oran. It had been stated that the French Government had entered into a Convention or understanding with the Spanish Government under which Spain was to occupy Morocco and France take Tripoli. He did not believe that such an understanding had been actually come to, but it was probable that it had been attempted; and he would ask the

*Earl De La Warr*

noble Earl the Secretary of State for Foreign Affairs if he had any information on the subject? In the recent insurrection in the Province of Oran a large number of Spaniards had been killed and taken prisoners. From the accounts in the French papers it appeared that the civil and military authorities were mutually casting the blame upon one another for the neglect of proper precautions, which had rendered possible the loss of life which had occurred, and the feeling in Spain had been turned against the French on account of their neglect of their countrymen; and it was not to be feared that this unnecessary loss of life would lead the Spaniards to assist the French in their designs, since it was clear that the French alone were to blame for it. If the Government continued to be as inert as it had lately shown itself to be, more harm would be done, and a beginning on the part of the French would be made, when it would be more difficult to stop them than before they had entered upon a further course of aggression on Tripoli. Moreover, it was not Tripoli only that was threatened; the French papers were preparing the way for designs on Syria. He valued the friendship and goodwill of the French for this country as much as any man did; but the goodwill of Her Majesty's Indian Mussulman subjects, and the goodwill of the population of Western Asia, was equally valuable and necessary to this country, and Her Majesty's Government appeared to be quite indifferent to the loss of it. If Tripoli were interfered with by the French a very large British trade would be lost, for the trade with Central Africa went from Tripoli through Mourzuk, and not from Tunis, as had been stated on a former occasion. He therefore trusted that his noble Friend the Secretary of State for Foreign Affairs would take steps in conjunction with the Ottoman, Italian, and French Governments in order to prevent further aggressions.

Address for papers and correspondence relative to Tripoli.—(*The Earl De La Warr.*)

EARL GRANVILLE: My Lords, I am bound to say that the noble Earl opposite (Earl De La Warr) always gives me Notice of the numerous Questions which he is in the habit of address-

ing to me, which my noble Friend at the Table (Lord Stanley of Alderley) does not. I imagine that the noble Marquess (the Marquess of Salisbury), to whom the noble Earl referred, and all your Lordships agree with the Government that the cases of Tripoli and Tunis are of a perfectly distinct and separate character, and that any arrangements which may be arrived at in respect of Tunis are not in the slightest way applicable to Tripoli. I agree so far with the noble Earl; but I repudiate the noble Earl's interpretation of my great reticence about this matter. A Government is placed in great difficulty in regard to giving information, charged, as they are, with the affairs of the country in relation to foreign Powers, and is under a disadvantage in furnishing information to the public that depends upon the consent of foreign Governments. But no Government can be blamed for not giving information which they have not received, and, therefore, do not themselves possess. My noble Friend at the Table, who gave me no Notice of his Question, asks me to give him information as to what has happened between France and Spain with regard to the partition of Morocco. Now, all I can say is, that I have not heard a word of any Treaty concluded between France and Spain with regard to Morocco. I utterly disbelieve it; and it is, therefore, impossible for me to give any information about it. The noble Earl (Earl De La Warr) complains of my not having given information as to the first part of his statement in reference to M. Tissot. But I have to say that I have heard nothing about the military occupation of Tripoli. The only report we have heard was that on the 28th of last month a Turkish ship of war had arrived at the port with a Turkish General of Division on board and two battalions. That is the only report we have heard. The noble Earl moves for Papers. I shall be only too ready to accede to his request if he thinks they will be of the slightest importance to him.

*Address agreed to.*

# SUPREME COURT OF JUDICATURE BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR, in rising to present a Bill to amend the

Supreme Court of Judicature Acts, and for other purposes, said, that the Bill was, in some respects, of considerable importance; but he hoped that it would not excite much difference of opinion. A number of changes were proposed, some of considerable magnitude, others comparatively simple. Their Lordships were aware that the High Court of Justice had contained three separate Divisions called respectively the Queen's Bench, the Common Pleas, and the Exchequer Divisions, and that these three Divisions had recently been consolidated. In consequence of that consolidation there was now but one Division on what was popularly called the Common Law side of the High Court, and one Lord Chief Justice. There had been five *ex-officio* Judges of the Court of Appeal—namely, the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Lord Chief Baron. Owing to the cessation of the two latter offices, the *ex-officio* Judges were now reduced to three. The Court of Appeal further consisted of six ordinary Judges; and a vacancy had lately taken place in that number by the loss of a Judge whose merits it would be very difficult to do justice to and impossible to exaggerate—Lord Justice James. He spoke from long knowledge, and an intimate personal friendship of many years; and he could not speak of his official services to the country without recollecting the generosity of his noble nature, which greatly endeared him to his numerous friends. But, speaking of him only as a Judge, he would say that the country had never been served by a Judge of higher character—of a sounder and more rapid discrimination; a more ardent love of justice as distinguished from technicalities; a more accurate knowledge of law, or a greater power of immediately applying that knowledge, with an uncommon share of common sense, to the determination of the cases which came before him. For several years those qualities had been exhibited by the late Lord Justice as a Vice Chancellor, and for more than 10 years in the Court of Appeal; and whatever arrangements might be made for filling the vacancy, it would be impossible for any man to bring to the fulfilment of the duties of the office higher qualifications, as a lawyer and

a man, than those possessed by Lord Justice James. Now, with regard to the Court of Appeal, although the business of the Court had been ably administered, and arrears prevented from accumulating, yet it was of an arduous and important character, and it required strong Judges, as well as able Judges, to prevent it from falling into arrear. When the question arose what should be done to meet this state of things, it was impossible not to call to mind the proposals which had been made by the Judicature Commission. In their first Report, on which the Judicature Act of 1873 was mainly founded, they advised that the Master of the Rolls for the time being should be a Judge of Appeal only, and that there should be in the Court of Appeal three Judges of the Court of First Instance, annually selected by the Crown. This proposal was not followed in the Act of 1873, which provided for one Final Court of Appeal, comprehending all the judicial strength now distributed between the House of Lords, the Privy Council, and the present Court of Appeal as actually constituted. But that arrangement, as their Lordships were aware, was afterwards changed; and, in the Act of 1875, his noble and learned Friend (Earl Cairns) proposed to introduce into the Court of Appeal three Judges of First Instance—and, under extreme circumstances, it would have been possible to have four—affording temporary assistance. Now they had come to a time when the number of *ex-officio* Judges was reduced from five to three. What he asked their Lordships to do with regard to the constitution of the Court of Appeal was this—He proposed, in the first place, to take the opportunity of reverting to the recommendation of the Judicature Commission with regard to the position of the Master of the Rolls in connection with the Court of Appeal. Of the special qualifications of the Master of the Rolls he need not speak; they were well known and appreciated by the country at large. It was his proposal that the Master of the Rolls for the time being should be transferred to the Court of Appeal. The present Master of the Rolls was willing to undertake that position. Instead, therefore, of filling up the vacancy now existing among the ordinary Judges in the Court of Appeal, he proposed that the Master of the Rolls should take

*The Lord Chancellor*

up the position which seemed more in accordance with the superior rank of his office than that of being one of a number of Judges of First Instance, sitting separately in different Courts of the Chancery Division. At the same time, the Master of the Rolls would continue to exercise all the duties of his office as Keeper of the Rolls, and would retain his present rank, salary, and official patronage. The Master of the Rolls, therefore, would be—he did not say transferred—but confined to the Court of Appeal; and, practically, that would make it unnecessary to fill up the present vacancy in that Court. Then he came to the consideration of the *ex-officio* Judges. There were now two less than had been contemplated, and if the Master of the Rolls was removed from the High Court, there would be three less. He proposed that the President of the Probate, Divorce, and Admiralty Division, who was not now an *ex-officio* Judge of the Court of Appeal, should, without any other change in his position, become such a Judge. He proposed, in the next place, that three other Judges should be annually selected from the Judges of the High Court of Justice, who might serve in the Court of Appeal when their other duties permitted. The question remained—in what way should those annual appointments be made? He did not propose that they should be nominated by the Crown. A more convenient mode of selection, he thought, might be found; they might be selected as the Election Judges were now chosen. The Judges of the High Court might meet together, and from year to year nominate for the succeeding year three of their body to serve in the Court of Appeal. They would not be called upon to do duty in the Court of Appeal, so as to interfere with their primary obligations as Judges of the High Court; they would be called upon to assist when the state of business in their own Courts admitted of that assistance being given. Provision was, of course, made for the appointment of a new Judge in the Chancery Division of the High Court, to take the place of the Master of the Rolls. These proposals would not subject the country to any substantial increase of expense. It was also sought to remove a doubt as to the effect of the Act of 1877, under

which an additional Judge of First Instance was appointed for the Chancery Division of the High Court. The language of that Act did not make it absolutely clear whether it authorized an appointment on a single occasion only or an appointment from time to time. He proposed to remove that doubt, and to enable the power given by that Act to be exercised from time to time. Occasion had also been taken to alter, in some respects, the existing law as to appeals. By the Divorce and Matrimonial Causes Acts certain appeals from the Divorce Court Judge were given to a Court which was called the Full Court for Matrimonial Causes. He had consulted with the learned Judge who presided over that Court, and found that he, as well as others, was of opinion that it would be desirable that that appeal, which was, practically, to that Judge himself, with the assistance of others, should no longer be to the full Court for Matrimonial Causes, but should, like all other cases, go to the Court of Appeal. He also proposed, very much at the instance of that eminent Judge, to correct what, in practice, had turned out to be an unsatisfactory provision in the same Acts, which gave the right to appeal from decrees for dissolution or nullity of marriage, not in the first instance when the decree *nisi* was given, but when it had been made absolute after a certain lapse of time, which, if no cause were shown in the meantime, was a matter of course. He proposed that, for the future, the appeal should be from the decree *nisi*, and there should not be a further appeal. With regard to the Acts which related to Parliamentary registration and elections, they had proceeded on the footing of giving final authority on matters of law to the Court to which Parliament had thought fit to intrust that class of cases. This was overlooked, or not sufficiently considered, when the Judicature Act of 1873 was passed; and no distinction was then made between orders on those subjects, and other orders of the High Court. It was now proposed to make the decision in such cases final and conclusive, unless the Court thought fit to give a right to appeal, in which case the Court of Appeal would have jurisdiction. The Bill also gave a power to regulate the holding of Assizes, which, having

hitherto been limited to Winter Assizes only, would now extend to all Assizes, by which means it was hoped that an inconvenience, at present felt, would be mitigated. The measure likewise dealt with the power under the Act of 1875 for making rules to govern the practice of the High Court. It also contained a clause enabling the time of holding the Sessions of the Central Criminal Court to be fixed, not, as was now required by Act of Parliament, by eight Judges, but by four Judges of the Queen's Bench Division. It further contained provisions as to the appointment of officers of the Courts and the filling up of vacancies in the staff of all the Courts. There were various other minor provisions in the Bill, on which he need not now trouble their Lordships.

Bill to amend the Supreme Court of Judicature Acts; and for other purposes  
—*Presented* (The LORD CHANCELLOR).

EARL CAIRNS said, it became desirable to re-consider the question of the construction of the Appellate Court when it was deprived of two of its *ex-officio* members, the Lord Chief Baron and the Lord Chief Justice of the Common Pleas. He agreed with his noble and learned Friend that the occurrence, so much to be lamented in regard to the Court of Appeal, of the death of Lord Justice James made it necessary to consider the constitution of that Court. In all that his noble and learned Friend had said about that very eminent man and his loss he wished to express his entire concurrence. He himself, like his noble and learned Friend, had known Lord Justice James for a very long time, and had been an observer of the manner in which he discharged his duties; and he must say that in his experience he had never seen a Judge who brought to the discharge of his duties a more admirable knowledge of the law which he had to administer, and a more admirable share of common sense—which, after all, was as great a quality for a Judge as a knowledge of the law—than the late Lord Justice James had always done. Turning to the Bill which his noble and learned Friend had presented to their Lordships, he did not desire to express any definite opinion as to some of the changes which were now proposed. He could only say he was glad that the

Master of the Rolls was willing to preside in the Court of Appeal. With regard to future holders of the office of Master of the Rolls, he did not know what would be their position as regarded emoluments. The present Master of the Rolls received a higher salary than the Judges of the Court of Appeal. Of course, it was quite proper that the present Master of the Rolls should have that advantage continued to him; but, with regard to future holders of the office of Master of the Rolls, it appeared to him that it would be somewhat objectionable to have one Judge receiving a higher salary than that of the other Judges. He could not quite follow the noble and learned Lord as to the position of the new Judges to be selected annually from the rest of the Judges to be Judges of the Court of Appeal. He would, therefore, reserve any expression of opinion on that proposal until they had the Bill before them. All he would say was that the reason for having *ex-officio* Judges in the Appeal Court was that they should be independent of the Court below; but he did not see how that was to be secured by taking the Judges by election annually from the Court below. If it was necessary to strengthen the Court of Appeal he should prefer to do that by adding another Judge.

THE LORD CHANCELLOR was understood to say it was proposed that every future holder of the office of the Master of the Rolls should receive the same emoluments as the present Master of the Rolls, because the holder of that office had certain duties to perform with regard to the Record Office.

Bill read 1<sup>a</sup>; to be printed. (No. 147.)

#### UNITED STATES—ATTEMPTED ASSASSINATION OF THE PRESIDENT.

##### OBSERVATION.

EARL GRANVILLE: My Lords, I am sure the noble and learned Lord on the Woolsack and the noble and learned Earl opposite will forgive me for the irregularity of interposing in the Business of the House; but I wish to inform your Lordships that later telegrams which have been received this evening give a much more favourable account of the condition of the President of the United States than those received in the earlier part of the day.

*Earl Cairns*

#### THE GOVERNMENT AND THE LAND LEAGUE.

THE EARL OF ANNESLEY asked the Lord Privy Seal, Whether it was true that Mr. Farrell, the president of the Local Land League at Mullingar, who was confined in Galway Gaol under the provisions of the Coercion Act, and was lately liberated on a medical certificate, was still on the commission of the peace, and signed several commitments to gaol last week?

EARL SPENCER, in reply, said, that Mr. Farrell was still a magistrate, and he believed it was true that he was in the discharge of the duties of the office; but the Irish Government had brought the matter under the consideration of the Lord Chancellor of Ireland.

THE MARQUESS OF SALISBURY said, he understood that Mr. Farrell was an official officer.

#### CENSUS OF ENGLAND AND WALES, 1881—PRELIMINARY REPORT.

##### OBSERVATIONS.

LORD CARRINGTON: My Lords, the Census Act requires that the Preliminary Abstract of the Census taken on the 4th of April last should be laid before Parliament within three months after the 1st of June. It is satisfactory that the Registrar General has been able to complete this abstract at so early a date. This is not the time to go into particulars; but it may be interesting to know that the total population of England and Wales is now 25,968,286, being an increase since 1871 of 3,256,020. The rate of increase was higher than in any *decennium* since 1831-41. The birth-rate was unusually high, while the death-rate was still more unusually low. The higher birth-rate in 1871-81, as compared with 1861-71, implies the addition of 26,774 persons beyond the number according to the previous rate, while the lower death-rate implies that 299,385 persons survived, who, according to the previous rate, would have died—a result which seems to show that modern sanitary legislation has produced useful and important effects. It may be added that the population of the Metropolis is now 3,814,571, showing an increase of 560,311, while the population of the City of London has decreased by 24,414.

Preliminary Report and Tables of the Population and Houses enumerated in England and Wales and in the Islands in the British Seas on 4th April 1881: *Presented* (by command), and ordered to lie on the Table.

House adjourned at a quarter before Seven o'clock, to Thursday next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Tuesday, 5th July, 1881.*

MINUTES.]—PUBLIC BILLS—Committee—Land Law (Ireland) [135]—R.P.  
Committee—Report—Solicitors' Remuneration [100].  
*Third Reading*—Erne Lough and River (re-comm.) \* [200], and *passed*.

The House met at Two of the clock.

### P E T I T I O N .

#### FRENCH COMMERCIAL TREATY.

##### PETITION FROM BRADFORD.

MR. MAC IVER said, he had been intrusted with a Petition to present from Bradford of a somewhat remarkable character. It was, in the main, a workmen's Petition; but it represented alike the demand of the employer and of those who wished for work and wages, but which they said were denied them by the pressure of unfair foreign competition with those industries on which the prosperity of Yorkshire depended. He was told that the Petition was nearly 250 yards long, and bore about 21,000 signatures, and that it had been signed in the streets of Bradford by persons of every shade of political opinion. He trusted the House would not turn a deaf ear to the cry for justice, which those who sent the Petition asked him to raise, humbly and respectfully, on their behalf. They saw no reason why French looms should be at work while theirs stood idle; and they asked that honourable House to renew no Treaty with France which allowed France to tax our manufactures, while we received theirs duty free to the displacement of our own industries.

MR. SPEAKER: The hon. Member must be quite aware that he is not entitled to debate a Petition.

MR. MAC IVER said, he did not wish to debate anything, but merely to urge the Prayer of the Petition. The Petitioners asked for equal treatment—for fair play. They saw no reason why the working men of France should receive the wages which ought to be spent in this country. They asked, therefore, that no Commercial Treaty with France should be entered into which had not been submitted for the approval and consent of that House; and, further, that no engagement should be entered into which should bind the country for more than 12 months, without an opportunity being afforded of retiring from such engagement if they found it did not suit them. He had no desire or right to enter into matters of argument. There was much, however, that he could wish to say—[*Cries of "Order!"*]

MR. SPEAKER: I must call on the hon. Member to confine himself to the Prayer of the Petition.

MR. MAC IVER said, he most heartily and cordially concurred in the Prayer of the Petition. The day had come when that House could no longer turn a deaf ear to the working population of these lands, or look on coldly while each industry was in turn destroyed. Why had not the people of Bradford intrusted the Petition to the hon. Member opposite (Mr. Illingworth)? Because they wished to protest emphatically against such views as his, and because they no longer believed that a system of free imports and of restricted exports was entitled to be called Free Trade.

MR. CHILDERS: I rise to Order, Sir. A Petition cannot contain a protest.

MR. SPEAKER: I have already called to the hon. Member's attention twice the fact that he is not in Order.

MR. MAC IVER said, he begged humbly and respectfully to ask that the Petition be read by the Clerk at the Table.

Petition read; and *ordered* to lie upon the Table.

### Q U E S T I O N S .

#### TUNIS—TREATIES OF 1662, 1716, AND 1875.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether in the Treaty between

England and Tunis of October 5th 1662, there is not the following provision :—

“ Article 8. Le Consul ou tout autre Anglais résident à Tunis ne sera forcé de s'adresser à aucune autre cour de justice qu'au Dey lui-même par lequel seul justice lui sera rendue ; ”

whether the same stipulation does not occur in Article 8 of the Treaty of 13th August 1716 ; whether analogous provisions do not exist in the Treaties of other Powers, which are still in force ; and, whether in consequence the privilege of access to the Bey is not a privilege and immunity conferred by Treaty on Her Majesty's Agent and Consul General, and confirmed by Articles 11 and 5 of the Treaty of 1875 ?

SIR CHARLES W. DILKE: Sir, the Treaties of 1662 and 1716 were abrogated by the Treaty of 1875, which was substituted for all existing previous Treaties, and in which the Article in question was not repeated. I may, however, point out to the hon. Member for Portsmouth (Sir H. Drummond Wolff) that even if this Article were still in force, it would give no “ privilege of access ” to the Consul any more than to any other British subject who might present himself before the Bey for the purpose of seeking justice ; and its effect is entirely annulled by the 24th Article of the Treaty of 1875.

SIR H. DRUMMOND WOLFF said, the hon. Baronet had not stated whether analogous provisions did not exist in the Treaties of other Powers which were still in force.

SIR CHARLES W. DILKE: I shall be glad if the hon. Member would state what those Treaties are. I have on four or five occasions informed the House that the most careful search has failed to find any Article of the kind in any Treaty, and Lord Granville has made a statement to this effect in “ another place.” That statement has been elaborately contradicted, especially in a letter in *The Times* ; but in none of these contradictions have Articles in Treaties been quoted to upset the statement.

THE ROYAL IRISH CONSTABULARY—  
REMOVAL OF HEAD CONSTABLE  
FRAZER FROM BANBRIDGE.

LORD ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Head Constable Frazer has been removed from Ban-

*Sir H. Drummond Wolff*

bridge, after having been stationed there about one month, in consequence of the Roman Catholic priest of the parish having demanded that a head constable of his own persuasion should be sent in his place ; and, whether there would be any objection to lay upon the Table of the House a Copy of the Correspondence between the priest and the authorities ?

MR. W. E. FORSTER, in reply, said, the reason of the head constable's removal was this—Catholics and Protestants were about the same number in the district, and there appeared to have been some arrangement that if an officer was of one religion the head constable should be of the other. He could not say that he liked such an arrangement ; but he disliked still more the condition of things that seemed to make it necessary. The Government, however, thought it was better that it should be practically put in force ; and that was the reason why the head constable was removed. For his own convenience his removal was delayed for some months.

In reply to Mr. MACARTNEY,

MR. W. E. FORSTER said, the removal was not occasioned by the interference of the Catholic priest ; but it was a fact that the priest reminded the Government of the arrangement made some time since.

MR. T. P. O'CONNOR asked the Chief Secretary for Ireland, whether an equalization of the persuasions of magistrates would not still further get rid of the religious difficulty in Ireland ?

MR. W. E. FORSTER said, he should require Notice of the Question.

COURT OF SESSION (SCOTLAND)—AD-  
MISSION OF REPORTERS.

MR. DICK-PEDDIE asked the Lord Advocate, Whether his attention has been directed to the circumstance that in two recent cases in the Court of Session the representatives of the press have been denied access to interlocutors issued by the Lord Ordinary ; and, whether the Clerks of the Court have power to prevent the judgments of the Lord Ordinary being made public ; and, if they have, whether he will take steps to deprive them of that power ?

THE LORD ADVOCATE (Mr. J. M'LAREN): Sir, it is quite clear that, in

some form, the public are entitled to be put in possession of the opinions and decisions of the Judges of the Court of Session in contentious cases. In consequence of the difficulty referred to in the Question, the Lords Ordinary have resolved, in future, to deliver their judgments  *viva voce* in open Court, instead of in writing; and the Press will, in future, have the same facilities for reporting the judgments in such cases as exist in the other Superior Courts of the United Kingdom.

#### INTERNATIONAL LAW — DETENTION OF BRITISH SUBJECTS ON A RUSSIAN WAR-SHIP.

MR. J. STEWART asked the Lord Advocate, Whether his attention has been directed to the circumstances under which, on the 25th ultimo, two British subjects were detained for one night on board the Russian war-ship "Peter the Great," then at anchor in the Clyde; and, if he can state whether such detention was justifiable and in accordance with International Law?

THE LORD ADVOCATE (MR. J. M'LAREN): Sir, in the case referred to, one of two boatmen hired by the Russian naval officers to take them on board their ship, being intoxicated, assaulted one of the officers without provocation, and attempted to prevent him going on board. The Russian commander had to send a launch after the boat to rescue the officer; and, as the hour was late, he detained the two boatmen over night and brought them before the police magistrate next morning, by whom Gemmell, the man who committed the assault, was tried and convicted. The Russian officer, in so doing, did not exceed the power which the law accords to every private citizen to arrest a person who commits a crime in his presence, and bring him before a magistrate with the least possible delay.

#### STATE OF IRELAND—REQUISITION OF HORSES AND CARS.

MR. T. P. O'CONNOR (for Mr. HEALY) asked Mr. Attorney General for Ireland, Whether, in those cases where the Irish police have recently seized horses and cars by force, the Crown will, on a charge being duly preferred against them by the owners, undertake a prosecution; and, if not, if he would

state why not; and, whether, if persons not policemen were similarly to impress horses, &c. the Law would be put in force against them, and what is the statute under which such powers are exercised, and whether they invest in each individual policeman in Ireland?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW), in reply, said, he presumed the case to which the Question of the hon. Member for Wexford (Mr. Healy) referred occurred a few days ago in the county of Louth. What happened was this. A party of Constabulary hired a number of cars to convey them six or seven miles. After proceeding part of the way some of the drivers refused to drive any further, and the police accordingly drove the cars themselves. He did not see any offence in that. It was quite true that there was no law authorizing the police to forcibly seize cars.

#### BULGARIA—PRINCE ALEXANDER OF BATTENBERG.

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether his attention has been directed to a conversation between Prince Alexander of Battenberg and a correspondent of the "Standard," in which the Prince is alleged to have said that "for the Great Powers, Bulgaria c'est mer" (meaning thereby apparently himself), and that when he asked the Emperors of Austria, Russia, and Germany, what he ought to do in consequence of having sworn to maintain a Constitution, which he terms a "half Republican Constitution," they each replied, "do what you like, but do not leave Bulgaria;" and if the Government have received any confirmation of the alleged conversation; whether Her Majesty's Government, as one of the Great Powers, accepts the assertion of the Prince that Bulgaria is a mere diplomatic expression, meaning neither the country nor its inhabitants, but Prince Alexander of Battenberg; whether communication has been received from any foreign Government leading to the conclusion that, in the event of the Bulgarians declining to grant to Prince Alexander a dictatorship, or seeking to hinder him from exercising such a dictatorship, a foreign occupation of Bulgaria would ensue; whether any complaint has been received respecting the manner in which the



elections to the Grand National Assembly have been conducted; and whether, considering the great losses that have accrued to investors by lending money to foreign countries on imperfect security, Her Majesty's Government will make public the fact that, by the Articles 123—125 of the Constitution of Bulgaria, the Prince can under no circumstances decree a loan of above 1,000,000 francs, nor authorise expenditures from the public Treasury, which taken together shall exceed the sum of 300,000 francs, and that consequently, if he acquires dictatorial power by unconstitutional means, no loan incurred by him for more than 1,000,000 francs would be valid as against Bulgaria?

SIR CHARLES W. DILKE: Sir, we have not received any confirmation of the language alleged to have been used by Prince Alexander in the conversation referred to. The view of Her Majesty's Government with regard to the meaning of the term "Bulgaria" is that which may be drawn from a perusal of the Treaty of Berlin. We have not heard that any foreign occupation has been proposed or is probable. We have not, since the holding of the elections, received any complaint as to the manner in which they were conducted. The Constitution of Bulgaria has been laid before Parliament, and does not, therefore, seem to lack publicity.

#### ITALY—FRANCE AND TUNIS.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that the Italian Government have refused to recognise the French Protectorate in Tunis, and the appointment of Monsieur Roustan as intermediary for their official communications with the Government of the Bey; and, whether the Italian Government have more than once since the commencement of the French hostilities against Tunis pressed Her Majesty's Government to act in concert with them, particularly with respect to the appointment of Monsieur Roustan, and what answer Her Majesty's Government have made to those proposals?

SIR CHARLES W. DILKE: Sir, it is not the fact, so far as Her Majesty's Government are aware, that the Italian Government have refused to recognize the French Protectorate in Tunis, or the

appointment of M. Roustan. The Italian Government have inquired of Her Majesty's Government, through the Italian Ambassador in London, what are the views of Her Majesty's Government on certain questions arising out of the position of France in Tunis, and Lord Granville has, in reply, informed his Excellency of the communications which Her Majesty's Ambassador in Paris has been instructed to make to the French Government on these questions.

LORD RANDOLPH CHURCHILL: The hon. Baronet has not answered the last part of my Question. Is it true that the Italian Government have more than once pressed Her Majesty's Government to act in concert with them, particularly with respect to the appointment of M. Roustan?

SIR CHARLES W. DILKE: The Question will be best answered by the Papers before the House. No such phrase as "acting in concert" was used. Her Majesty's Government has been asked its opinion on certain points, and our opinion has been communicated to the Italian Government.

#### TUNIS—BRITISH COLONISTS AND TRADE.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, Whether he will lay upon the Table a Return showing the number of British Colonists, and the extent of British trade, at Susa, Monastir, Medhia, Sfax, and Gabes, in the territory of Tunis; also a Return giving the same information with respect to Tripoli and Bengazi?

SIR CHARLES W. DILKE: Sir, I do not know whether the noble Lord has read the Reports furnished yearly by Her Majesty's Consular Officers in Tunis and Tripoli; but these give all the information which Her Majesty's Government are able to supply.

LORD RANDOLPH CHURCHILL: I would point out that my reason for asking the Question is, that the public might be made aware in a short and easy manner of our interests in North Africa?

SIR CHARLES W. DILKE: I do not think, as regards the figures up to a recent period, that they could be laid before the public in a shorter form.

LORD RANDOLPH CHURCHILL gave Notice that, on an early occasion, he would move for those Returns.

*Mr. Labouchere*

# TUNIS AND FRANCE—BOMBARDMENT OF SFAX.

**LORD RANDOLPH CHURCHILL** asked the Under Secretary of State for Foreign Affairs, Whether he has reason to believe that the French Government have any intention to proceed to a bombardment of Sfax, or to take any hostile measures towards the town and people of Sfax; and, whether they will intimate to the French Government that any damage to British property arising out of such hostile measures will entitle the owners thereof to full compensation to be demanded by the Government?

**SIR CHARLES W. DILKE:** Sir, as a French Consul and several French naval officers appear to have been attacked and wounded at Sfax, it is possible that such measures as the noble Lord contemplates may be taken by France. It is not usual to make beforehand any such intimation as the noble Lord suggests; and if the occasion arises, Her Majesty's Government will, of course, strictly follow the precedents in similar cases of destruction of neutral property.

## FRANCE AND TUNIS (POLITICAL AFFAIRS).

**THE EARL OF BECTIVE** asked leave to postpone the following Question which he had upon the Paper—namely, to ask the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a statement in the public press, that M. Roustan directs not only the Foreign Office of Tunis but also all the Government Departments, and claims by the municipality and other bodies against Europeans are made by M. Roustan; whether he can inform the House what guarantees for the protection of British interests exist under such a system; and if he is aware that in one of the aforesaid capacities M. Roustan has adjudged a portion of ground adjoining the English Church, and secured in perpetuity to the British colony by an ancient deed of the Beys of Tunis, to a French subject who never set up any claim to the land prior to the French occupation?

**SIR CHARLES W. DILKE:** Sir, I will ask the House to excuse me if I inform the noble Earl that I have already, on several occasions, stated to the House that questions arising out of the two-

fold nature of the functions discharged by M. Roustan were under the consideration of Her Majesty's Government, and were the subject of communications with the Government of France. These communications will be laid before Parliament. We have no information up to the present time as to M. Roustan having adjudged a portion of ground adjoining the English church to a French subject. I must be allowed to point out that a Question of this nature requires a search through the Papers in the French and Turkish Departments of the Foreign Office, and may require consultation with the Secretary of State and the Permanent Under Secretary. This Question was placed upon the Paper at the close of the Sitting of last night, and reached me for the first time at half-past 11 o'clock this morning. I may add that it is not always possible to accept, without inquiry, the statements of fact in the questions relating to Tunis of the noble Earl, for one which he put to me on Thursday last has been the subject of correspondence between myself and the principal gentleman named in it, and I am assured that, as far as he is concerned, there is no foundation for the statements referred to.

**THE EARL OF BECTIVE:** With reference to the remarks just made by the hon. Baronet, I beg to give Notice that I will repeat my Question of Thursday last, to which he has referred, and, on information subsequently received, I will make a statement which I am not without hope may induce him very considerably to modify the remarks he has made.

## FRANCE AND TUNIS—REPORTED INSURRECTION.

**THE EARL OF BECTIVE** asked the Secretary to the Admiralty, If Her Majesty's Government, in consideration of the probability of the present serious insurrection caused by the French invasion spreading to the immediate neighbourhood of the city of Tunis, intend sending some ships of war to Goletta in place of those sent towards Tripoli in order to protect British subjects resident in Tunis and its neighbourhood?

**MR. TREVELYAN:** Sir, the *Condor* has been ordered back to Goletta. It is evident that the danger of which the noble Lord is apprehensive is not regarded as imminent, because the French

have no ship at Tunis of a larger class than the *Condor*. The Fleet under Sir Beauchamp Seymour is cruising within four days' call, and, if further occasion arises, more iron-clads will be sent.

PEACE PRESERVATION (IRELAND)  
ACT, 1881—GUN LICENCES.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that over one hundred respectable farmers and others in the district of Newcastle West, county Limerick, have been waiting for a licence to carry arms for over a month, though they hold duly qualified recommendations; and, if so, will he inform the House why it is the resident magistrate does not perform this duty?

MR. W. E. FORSTER, in reply, said, that the resident magistrate in the district of Newcastle West informed him he was unable to give as much time to the examination of these applications for arms licences as was necessary in consequence of the disturbed state of his district. He had already granted 400 licences, and would attend to the other applications as soon as possible.

SOUTH AFRICA — THE TRANSVAAL  
WAR—THE PORTUGUESE CONSUL.

SIR STAFFORD NORTHCOTE asked the First Lord of the Treasury, Whether the Secretary of State for the Colonies has received an application from Mr. Forssman, Consul General for Portugal in the Transvaal, for compensation for losses and injuries incurred by him during the siege of Potchefstroom, and what is the amount of compensation which he claims?

MR. GLADSTONE: Sir, the Secretary of State for the Colonies has received such an application as that to which my right hon. Friend has referred. The amount claimed by way of compensation is £219,000. Probably it would be premature, and not altogether decorous, for Her Majesty's Government to give any opinion as to the first impression which they formed with respect to the claim. Therefore, on that ground, I will withhold any such opinion. But the claim itself will have to be forwarded to the Commission to be duly examined by them.

*Mr. Trevelyan*

THE ROYAL PRINCES—FALSE  
RUMOURS.

MR. W. H. SMITH: I wish to ask the Secretary to the Admiralty, Whether he has inquired into, and can give the House any information as to, the painful rumour circulated in London yesterday of a disaster to one of the Royal Princes?

MR. TREVELYAN: I am very glad to be able to state that we received a telegram to-day, a little before noon, from Lord Clanwilliam, the commander of the *Bacchante*, dated yesterday afternoon, from Melbourne, in answer to our inquiry. His telegram runs as follows:—"No. 16 received. No foundation whatsoever."

WAYS AND MEANS — REVENUE RE-  
TURNS—DECREASE IN THE EXCISE.

MR. LAING asked Mr. Chancellor of the Exchequer, If he is in a position to afford the House any information which will explain the unfavourable account contained in the last Revenue Returns, as regards a considerable falling off in the Excise duties?

MR. GLADSTONE: Sir, the general state of the Revenue is not very familiar to me; but as to the particular point of my hon. Friend's inquiry, I think I can give satisfactory information. The House will remember that, on examining the year's Returns of the Revenue, they could not but be struck with the ominous fact that there was a decrease of £420,000 odd on the Excise. Now, the reason of that decrease, which is the one and distinctly unfavourable and striking feature, is the different distribution of the Malt Duty and the Beer Duty over the four quarters of the year. The Beer Duty, according to the estimate which has been formed and according to experience, is receivable in the four quarters of the year in very nearly four equal portions; but the Malt Duty varies in the four quarters, according to normal experience, as much as from 14 per cent in one quarter to 40 per cent in another. There is no such inequality in the present case. If there had been, the discrepancy in the Excise would have been very much greater; but the difference in the present case is that 30 per cent of the Malt Duty was received in a normal quarter, in the three months ending

the 2nd of June, and only 24 per cent of the Beer Duty. Now, when we remember that 1 per cent of duty amounts to £87,000, and that 6 per cent amounts to £512,000, it will be obvious to my hon. Friend that these figures dispose of the whole of the apparent decrease.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

MR. STEVENSON said, that the first Order of the Day for Wednesday was the Sale of Intoxicating Liquors on Sunday Bill. He wished, therefore, to ask the Prime Minister whether, having regard to the general interest taken in that question out-of-doors, there was any hope that precedence would be given to the second reading of the measure with which he (Mr. Stevenson) was charged over the Land Law (Ireland) Bill?

MR. GLADSTONE: No, Sir; no hope whatever.

#### THE NEW FRENCH GENERAL TARIFF.

##### MOTION FOR ADJOURNMENT.

VISCOUNT SANDON said, that after what had passed on the previous day on the subject, he rose with regret for the purpose of making an appeal to the Prime Minister for a translation in English of the Return of the French Tariff. In doing so, the House was aware that he was within the fact when he said there was no question at that moment which was more discussed, and more constantly in the mouth of every workman in every factory, workshop, and yard in the country than the question of their commercial relations with France. He was exceedingly sorry to make that appeal to the Prime Minister; but hon. Members on both sides of the House would be aware that he had in no way interrupted or interfered with the progress of the Business of the House. During the discussion on the Land Bill he had restrained his feelings. But the conduct of the Government in persistently withholding all or any information with respect to the French Tariff, and the position of this country in regard to its commercial relations with France—what he should call the persistent concealment on the part of the Government with regard to what was going on in reference to their Treaty relations with France—

MR. ARTHUR ARNOLD rose to Order, and said there was no Question before the House.

VISCOUNT SANDON said, he would conclude with a Motion. The conduct of the Government had made it absolutely necessary for him to take that step—"Oh, oh!"—and he would remind hon. Gentlemen opposite below the Gangway, who had not been so long in the House as himself, that he was only following the example of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, who took the very step he (Viscount Sandon) was now obliged to take, of intruding the subject to the notice of the House from those very Benches when he was last in Opposition a few years ago. He would just ask them to remember why he was obliged to take that step. It was quite obvious from the answer that had been given by the Prime Minister that private Members had no chance of bringing forward any subject whatever; and yet the present subject, by general consent, was one which was exercising the great masses of the people very much more than the Irish Land Bill. He should, therefore, have been happy to obtain a discussion on the subject at half-past 12 at night, and should have been perfectly content to have divided the House on the subject at that late hour, not caring for a long discussion; but the right hon. Gentleman the President of the Board of Trade (Mr. Chamberlain) had thought fit to take a course which, in former Sessions, was considered most unusual, and had prevented him proceeding with the Motion for a Return of the changes contemplated in their commercial relations with France. He (Viscount Sandon) was one of the last men to allude to former services; but he must just ask hon. Members to recollect that when he asked for a Return of this kind he did so, not in his personal capacity, but as one who had borne an important Office in the last Government, as President of the Board of Trade, and as one who, owing to his connection with the important port of Liverpool, had some right to assume that he knew something of the commercial feeling of this country, not only as to Chambers of Commerce—for he was happy to say he did not confine his inquiries to Chambers of Commerce—but among merchants and the great

mass of men who gained their living by means of commerce. He believed it to be unprecedented to refuse a Return of this kind when asked for, and he was fully aware of the great responsibility of taking this step. The question, he would point out, was urgent; and it was urgent, because the commercial relations with France must be concluded within a very few weeks. Now, the House of Commons, the Prime Minister told them, was to adjourn about the 6th of August—just four weeks' time, and if the French Chambers prolonged the negotiations on the subject, they would only be prolonged, they were told, for three months, so that the country would have no opportunity whatever of expressing an opinion upon its great commercial relations with France in the few weeks that remained of the Session. He said that hon. Members on the opposite side of the House treated this subject as a light subject; but the constituencies did not think so, and he would recommend hon. Members to visit their constituents, and see what they thought about it. He thought he had established urgency; for the House was to be up in four weeks, and negotiations for the Treaty must proceed very shortly. Perhaps hon. Members thought he was making a good deal of a Return which they had not seen, or perhaps the Prime Minister had not seen, and if the right hon. Gentleman would allow him, he would make him a present of one. [*Laughter.*] Some hon. Members regarded that as a joke; but it was no joking matter. He (Viscount Sandon) observed the President of the Board of Trade regarded it as a joke; but the Return was a very serious thing. It was not his desire to have a general account; but what he requested was that the people of this country should be put in possession of a statement of their former commercial position with France, and of the changes proposed to be introduced, so that they might compare the two. The Return he wished to have in English was in three columns. The first was the old Tariff, the second the commercial arrangements with France, under which we had worked some years under Cobden's negotiations and under the Most Favoured Nation Clause; and the third column gave the new Tariff as proposed by the French Chambers. It did not give that mysterious document which nobody was al-

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lowed to see but a few favoured members of the Chambers of Commerce; and it did not give what the hon. Baronet (Sir Charles W. Dilke) had called the *tariff d' discuter* in the French terms which had been offered by the French Commissioners. There was a tendency to use French terms; but he thought that was a practice rather to be avoided in the House. He thought it was right to use English terms in this country. This Paper contained about 600 articles in print. It was not a very heavy book, but one of modest extent, consisting only of about 52 pages, and it would not be a matter of very heavy cost if given in English. He moved for the Returns in April in a very simple and natural manner, and as it was produced it showed the various facts in English. He therefore expected the Returns would be given in the same language; but, to his astonishment, when he was prepared to send them to some working-men's associations in Liverpool, who took a keen interest in this matter—[*Ministerial laughter*]<sup>—</sup>he was not at all ashamed to own that he had sent it to a working-men's association; he was saying that to his astonishment he found it to be in French, and that he would only make himself utterly absurd if he sent it to the working men in that language, with which they were not familiar. So the matter first came to his notice. After a while, hon. Members from other commercial constituencies said the same thing, when the constituencies asked for them. He had asked for an English translation; but it was refused, the Returns remaining in French; and that, he thought, was an unprecedented course for the Government to take at a time of great excitement on commercial matters. That was, however, a course reserved entirely for that most enlightened Liberal Government to adopt. Now, some of the supporters of the Government might regard that as a slight matter; but that it was not so would be apparent when he stated that the new Tariff increased by about 24 per cent the duties on the great bulk of the important articles of British manufacture; and, beyond that, converted to our detriment into specific duties the existing *ad valorem* duties, which appeared to have been raised. It also made a change in the classification, which the English people would have difficulty in understanding if informa-

tion such as he asked for was persistently withheld, and which would increase the duties. Anybody who knew anything of commercial matters was aware that the change implied a great burden upon the British trader. It was a change which would also be very fatal to the English people. ["Hear, hear!" *from the Opposition.*] It might be said by some that the proposed changes would affect but few industries; but the contrary was the fact, as their influence on British industries would be widespread and most serious. If the House would allow him, he would show how multiform were the interests affected, and what the articles affected were. They were stone and slate, marble and stone, all minerals and stones, iron and steel, chemicals, soda, soap and starch, feathers and down, earthenware and china, glass and glass ware, prints and textiles, table-linen, hosiery, cotton, poplin, velvets, silk, tissue and fancy papers, skins and leather, furniture, carriages, musical instruments, guns, fowling-pieces, and breech-loading rough gun-barrels. These were but a selection of the articles upon which a seriously increased Tariff was proposed to be placed; and the selection he had given would show how widespread and serious were the changes which were proposed by our French neighbours. Surely by this time we could understand that the matter was a very important one. He would ask just one simple question, which perhaps would tend to bring this discussion to an issue. Why on earth should there be any concealment whatever on the part of the Government on a matter of such importance to the people of this country? If they did not want to have Returns, why did the Government grant it in French six weeks ago? But the Government did grant a Return, full of important particulars in three columns, showing the particular position of the country at this moment. It was important that the country should know what the position of the country was. The Return was granted without hesitation in French; what possible excuse could the Government have for not giving it in English? He was quite sure the position of right hon. Gentleman opposite was utterly and entirely untenable. It was almost like saying to a boy, who was growing up—"These books are only for grown-up people, so

pray do not read them. When you are grown up you can read them." So this was saying to the working people—"When you know French, you can read it; it is not for the present working people, and you shall not read what your betters around you shall read." He would venture to remind the House, from his own knowledge, what was the feeling of the commercial class—working-men, manufacturers, shipping-people—with regard to the French Treaty. It was this, that they certainly ought not to have a worse French Treaty than the Cobden Treaty. That, he thought, was a universal feeling on both sides of the House. They could not afford to have a worse Treaty than the Cobden Treaty, and he believed that they ought to have, and might have by careful and prudent negotiations, a better Treaty. Hon. Gentlemen opposite, no doubt, might say that they ought to have confidence in Her Majesty's Government in this matter. But he (Viscount Sandon) did not wish to raise the matter as a question of confidence one way or the other. It was very much too serious a question in the interests of this country for that. In the interest of truth and facts, he must say that it had not been unobserved by those interested in these industries that in the division led by the hon. Member for Gloucester (Mr. Monk), both the right hon. Gentleman the President of the Board of Trade and the hon. Baronet the Under Secretary of State for Foreign Affairs voted against his Resolution—

SIR CHARLES W. DILKE: I stated at the time that the Government would vote for going into Committee of Supply, agreeing, as they did, with the terms of the hon. Member's Resolution, but thinking it undignified to pass such a Resolution while the negotiations were going on.

VISCOUNT SANDON said, he wished to point out that the names which appeared in the Division List gave the impression that the right hon. and hon. Gentlemen to whom he had referred were not staunch, and the conduct of the President of the Board of Trade with regard to the Sugar Bounties had, he (Viscount Sandon) ventured to say, probably done more to shake the confidence of the working people of the country—[*Cries of "No, no!"*—he hoped he might be allowed to finish the

sentence—had done, perhaps, more than was imagined to shake the confidence of the working people, not with regard to his economic views, but with regard to his sympathy towards those engaged in the sugar refining industries, as indicated by the tone of the letters signed by the Board of Trade. He would now run over the several reasons given by the right hon. Gentleman the President of the Board of Trade for refusing to give the information which they had a right to demand.

MR. CHAMBERLAIN: I beg the noble Viscount's pardon. The noble Viscount attributes to me a statement which I did not make at all, and in regard to which I have on more than one occasion endeavoured to correct him. I did not refuse the translation of this Return. I never have refused it. ["Oh!"] I merely asked the noble Viscount to wait the result of inquiries which I was making of the representatives of the commercial classes with regard to its utility.

VISCOUNT SANDON, continuing, said, the right hon. Gentleman seemed to forget that he was asked by the hon. and learned Member for Sheffield (Mr. Stuart-Wortley) to give this translation. He did not give it, and he repeatedly refused it. He declined to give it for the following reasons:—He said that it would cause a great deal of delay; but the real delay was in declining to give the Return, because if it had been put in hand three weeks ago, when the Question was asked, the translation would have been made and in the hands of the public by this time. The right hon. Gentleman went on to say that "there was considerable difficulty in translation." He also said he was at a loss to find English equivalents for some of the French denominations. He (Viscount Sandon) thought that rather strengthened the reason why they should have the translation. The whole of the commercial community interested in the question of the French Commercial Treaty were told that the Government could not find in the Foreign Office, in the Board of Trade, or among the experts in London, men competent to find English equivalents for these French terms. One comfort was, however, given to them. They were assured that the working men—the artisans—the right hon. Gentleman

*Viscount Sandon*

(Mr. Chamberlain) said so—were all acquainted with the French terms used. If that were so, it simplified the matter, for it would have been a very easy thing to have sent a Circular from the Board of Trade to the different centres of artisan population, asking the working men what was the meaning of the terms? That, he thought, threw some light on the negotiations which had been proceeding. It turned out that those grandees sitting in Whitehall did not understand the meaning of some of the terms they were discussing, and the whole subject was wrapped up in so much mystery, so much confusion, that he thought it would be best cleared up by the Prime Minister giving the Returns in English, so that the country might know exactly what the position was. There was one thing, however, which stopped the way. The President of the Board of Trade told them that the Return might be an expensive one. He (Viscount Sandon), however, could not think, when so much expense was being incurred in connection with the Commercial Treaty, that translating into English a little Return of 52 pages would be a very heavy burden even upon the exchequer of a Liberal Government. He was supposed to be crushed by the answer of the hon. Baronet the Under Secretary of State for Foreign Affairs, who said that they were discussing the French General Tariff in the Commission; but nobody supposed that they were discussing the French General Tariff, seeing that the Commissioners from France brought their terms in their hands. It was no answer whatever to his appeal to say they were not to know what the Cobden Tariff was, to enable them to compare it with the new French Tariff, because of this mysterious document which they were not allowed to see in the Chambers of Whitehall. He thought it was a great misfortune that the document should be communicated singly to the different manufacturers, so that each manufacturer separately should be made aware of the secret proposals of the French Government. He maintained that the country had a right to be made acquainted with the question of the French Tariff as a whole. Anybody who knew anything of the feelings of the industrial classes was aware that there was what might be called a great solidarity between

them. They all felt that if one class of industry was injured, the others would ultimately suffer. He would conclude by again asking—What was the meaning of all that concealment? Why did not the Government at once give way? He had told the President of the Board of Trade that he should not be satisfied with the mere opinions of the Chambers of Commerce. He asked hon. Members opposite whether, if the Liverpool Chamber of Commerce said they did not care for a translation, he (Viscount Sandon), representing thousands of persons interested in trade and commerce, would be right in accepting that statement? He felt convinced that this affair had arisen from the want of experience—with which they had no right to find fault—of the right hon. Gentleman the President of the Board of Trade. Nobody could suppose it was a grave fault; but, of course, they all knew that the right hon. Gentleman had not spent a great deal of time within those walls. He appealed to the Prime Minister, who appreciated deeply and truly the feelings of the masses of the industrial classes, and who knew how they liked to be taken into confidence in these matters, which affected their daily bread and daily life; and he asked him to take one of two courses—first, that he would instruct the Members of his Government to remove the block from the Motion which stood in his (Viscount Sandon's) name, if he put it on the Paper. He would then bring it on after half-past 12, when he would be content, sparing them another speech, to take the opinion of the House upon it; and if the House thought it was better that there should not be an English translation of these French Commercial Treaties, he would not say more about the matter. What, however, he would like better than that course would be for the Prime Minister to acknowledge that there had been a slight mistake, and to say that on the whole he thought it was better that an English translation should be at once laid on the Table. He would move the adjournment of the House.

Motion made, and Question proposed,  
 "That this House do now adjourn."—  
 (*Viscount Sandon.*)

MR. GLADSTONE: Sir, I have no complaint to make of either of the alternative proposals with which the noble

Viscount opposite (Viscount Sandon) has concluded his speech, as they are perfectly fair ones—that the Government should withdraw the expression of a desire made by my right hon. Friend near me (Mr. Chamberlain) not to have an opportunity of discussing this Return before it was granted; and the other, that we should agree to withdraw any obstacle to the prosecution of the Motion of the noble Viscount, either at the proper hour of the evening, or, as he fairly says, at half-past 12, and allow him to take the judgment of the House upon it. I make no complaint of that proposition. I am very sorry that the noble Viscount, who is not accustomed to deal with a matter of this kind, should have introduced into the speech one or two points which require a little notice from me. He made it matter of complaint that when he appealed to me yesterday I was silent. The noble Viscount did appeal to me yesterday, and I was silent; but the reason was that I requested my right hon. Friend near me to speak on my behalf. The reason why I said nothing was because I knew nothing, a rule which, I think, perhaps, would be advantageous—namely, that those who know nothing of a subject should say less. I say so for myself, and perhaps other hon. Members may apply the remark to themselves. The noble Viscount quoted, as a precedent to the conduct of my right hon. Friend, the Chancellor of the Duchy of Lancaster, in having previously moved the adjournment of the House during the Question time. That precedent, in my opinion, is no precedent at all, as the cases are not in the slightest analogous. But I make no complaint whatever of the noble Viscount moving the adjournment of the House, because I think, under the circumstances in which he stands, he not having the means of bringing it forward in any other way, he has a perfect right to take this course—at all events, it is not my business to complain. I do, however, really feel somewhat disposed to regret that the noble Viscount should have assumed the patronage of my right hon. Friend the President of the Board of Trade for what he thinks his misfortune in this matter, and thrown his shield over him, by referring to what he considers his inexperience in Office. My right hon. Friend has sat in this House for a not inconsiderable number of years,



and has had an amount of practice in what may be called Public Business before entering this House, which is probably quite unequalled by that of any other hon. Member within the House. The noble Viscount must know that this kind of patronage, especially when offered across the Table, has really always the appearance of an intention to wound and hurt the feelings of those to whom it is directed. In these circumstances, I think that the tone of the noble Viscount's speech was most inappropriate and most unfortunate, and I trust the noble Viscount himself will a little regret it. I come now to the question itself. The noble Viscount asks what is the object of all this concealment on the part of the Government? Here, I must say, I am afraid we are all apt to be more tolerant of charges against our moral character than against our understanding, and I own I do feel very much hurt by the estimate the noble Viscount has formed of our understanding, when he actually conceives that we are capable of devising a plan to conceal information from the House and the public, by only publishing it in the French language. I think the estimate he forms of our motives in this matter is one he might apply to the lowest aborigines on the face of the earth, or, perhaps, even to go further back, to some of our ancestors anterior to the human race; and, even there, he might have detected a dawning of intelligence, such as if they had desired to conceal anything they would never have adopted this particular course. Now I come to the main matter—and I think I have come to it rather quicker than the noble Viscount—and, after consulting my right hon. Friend, I will take the shortest of the noble Viscount's suggestions, and for this reason—my right hon. Friend near me desired to secure an opportunity for discussing this Motion, because he thought it desirable to lay before the House the position of affairs. But to-day the question has been raised in a manner that seems to evoke a considerable amount of warmth, and that warmth is not an immaterial fact for us to weigh. I must say that if there is any one subject on which, more than another, we should be less anxious to practice concealment it would be the tendency to establish protective Tariffs, whether in France or any other foreign countries. That is a subject on which,

*Mr. Gladstone*

so far as we can prudently do it, it is our interest in the highest sense, and eminently conformable to the traditions of my right hon. Friend and all those who sit on this side of the House, that we should endeavour to enlist the English public upon our side. There are several modes of enlisting public opinion. Some of these modes may be prudent, and others less prudent. The noble Viscount has read out, amidst storms of indignant cheers from the opposite Benches, the extravagant rates of protective duty which the French, in the exercise of their discretion, have proposed to levy upon a multitude of English imported goods, of which the noble Viscount only gave us a very short statement. For my own part, I am delighted to find manifested upon the opposite side of the House so strong a sense of the inexpediency of a country resorting to such practices. I am all the more delighted at that manifestation of feeling on the part of hon. Members opposite because, unfortunately, it is not supposed to be expressive of the sentiment held by them; and I have seen in journals professing to represent their views, and I have read in speeches which have been delivered through the length and breadth of the country, lamentations over the unwisdom of this country in exposing its markets to be flooded by all sorts of manufactures, and, on the other hand, altogether commending the great prudence and wonderful forethought of other countries, France amongst them, for protecting their trade against the invasion of the stranger. My satisfaction at that expression of opinion on the part of hon. Members opposite is all the greater because I am sure they will admit that if these prohibitive duties are bad in the case of one country they must be equally bad in the case of all countries, and that will show that they have changed their minds as to the effect of them in this country. What I desire, however, to point out is that, although the expression of such sentiments on behalf of hon. Members opposite may have considerable effect in rousing and stirring up the public feeling of this country against protective Tariffs, the echo of those sentiments will go forth, and the speech of the noble Viscount will go forth, and be heard in France, and by the French public; and the consequence may be—I do not hesitate to

say that probably it will be—to seriously increase the difficulties of carrying on the negotiations between the two countries. My frank opinion is, and I appeal to hon. Members on all sides of the House, to remember that, while it is desirable that the British public shall be thoroughly and completely informed as to what is going on, it is desirable that these matters shall not become the theme of a rather warm debate in this House at the present moment while negotiations are proceeding, but that the discussion in respect of them shall be postponed to a more convenient season. My right hon. Friend is quite ready to give an indication of his very sincere adhesion to that view by consenting at once to repress the desire he has felt for stating what he would call his case in favour of the Return; and, therefore, instead of agreeing to the suggestion of the noble Viscount that this debate shall be resumed at a late hour, I am willing to withdraw all opposition to the production of the Return. Her Majesty's Government feel that it is far better that they should remain, in some degree, misapprehended, and that their motives, not for refusing, but for postponing, the production of these Papers should be misunderstood, than that they should enter upon a debate on the subject at the present moment which may lead to misconception. No doubt the noble Viscount felt himself justified in bringing forward this question if he believed that the Government were shrouding themselves behind the impenetrable mysteries of the French language in order to gain their object of concealment. I am not, therefore, in any way finding fault with the noble Viscount; but I appeal to him, after the concession I have made, to withdraw his Motion for the adjournment of the House.

VISCOUNT SANDON said, he would answer the appeal of the right hon. Gentleman by doing his best to prevent the discussion from going any further. All he could say was that if the right hon. Gentleman the President of the Board of Trade (Mr. Chamberlain) thought that he (Viscount Sandon) had said anything personally discourteous towards him he begged to tender to him his most hearty apologies, because the last person towards whom he should desire to be discourteous would be his Successor in Office, who had always shown the most

friendly feeling towards him. After the very handsome way in which the Prime Minister had consented to his application, he should place his Notice of Motion for the Return on the Table to-night, so that it might be moved to-morrow as an unopposed Return, and he would trust to the right hon. Gentleman the President of the Board of Trade to lay a translation of the document in question before the House as speedily as possible. He trusted that, in future, the error of giving Returns in foreign languages would not be repeated, and that they would have them laid upon the Table in their own old English tongue, of which they were so proud. In conclusion, he begged to be allowed to withdraw his Motion for the Adjournment of the House.

MR. NEWDEGATE said, he desired to give expression to the feeling of the people of this country, whose industries were likely to be affected by the new French Tariff, with respect to the importance of their being supplied with an authentic translation of the recently adopted French Tariff. A meeting had lately been held by his constituents at Coventry, which was attended by 2,000 or 3,000 persons, and they had urged him not to allow this subject of the French Tariff to proceed without their being afforded all the information he could obtain for them respecting it. Now, if he sent them the Tariff in French, what would be their answer to him? Why, they would at once turn upon him as the author of the work which he held in his hand, and which he had just brought from the Library, and say to him—"Do you, as the author of *The Tariffs of All Nations*, translated into English, with the foreign weights, measures, and monies reduced to their English equivalents, expect us to understand this foreign document?" The question was by no means a new one. The unwillingness of the Department of the Board of Trade to furnish this House and the country with information as to foreign Tariffs was an old failing. [*Cries of "Order!"*]

MR. DILLWYN rose to Order. The hon. Member for North Warwickshire (Mr. Newdegate) was discussing a subject which had been withdrawn, and his conduct in doing so appeared to be approaching the confines of Obstruction.

MR. SPEAKER ruled that the hon. Member for North Warwickshire was in Order.

MR. NEWDEGATE, resuming, said, that from the year 1847 to 1852 he endeavoured to induce the successive Presidents of the Board of Trade to furnish that information as to foreign Tariffs in English; but successive Administrations supported that Department in withholding that information until, in the year 1852—for that system of concealment was practised equally by the Government of Lord Russell and that of the late Lord Derby—he (Mr. Newdegate) stated in that House that he would undertake the task himself. Here, in the volume which he held in his hand, was the result of that undertaking. This work was to be found in the Library of the House. It was as much acknowledged as an authority in the United States as in this country; and he asked whether the House meant again to devolve upon one of its Members, as an individual, a task that ought to be executed by the Foreign Office or the Board of Trade? The work to which he referred was produced in 1855. He (Mr. Newdegate) took it to Lord Palmerston when Prime Minister, and that noble Lord did him the honour of consulting him with respect to the orders which should be issued to the various Embassies of this country for the purpose of continuing the information he (Mr. Newdegate) had condensed up to 1855. Lord Palmerston did more than that, he showed him (Mr. Newdegate) the orders before he issued them; and if the hon. Baronet the Under Secretary of State (Sir Charles W. Dilke) would turn to the records of his Department he would find Lord Palmerston's order for furnishing the information in English, which was issued to every Embassy and every Consulate of this country abroad. That order was signed by Lord Palmerston in his (Mr. Newdegate) presence, and if the Embassy in Paris had not furnished Her Majesty's Government with the information which the noble Viscount the Member for Liverpool (Viscount Sandon) required, the order given by Lord Palmerston when Prime Minister must have been either cancelled or disobeyed. He (Mr. Newdegate) would not have troubled the House, but he thought the House would find itself at a great disadvantage if

hon. Members undertook to discuss this matter—the contemplated Commercial Treaty with France—in the dark; in other words, upon imperfect information, or upon data given in a foreign tongue, which the constituents of hon. Members and the people of this country generally did not understand. He held that the production of such documents relating to or descriptive of foreign Tariffs, or negotiations relating to such Tariffs in foreign languages, giving foreign weights and measures and foreign monies unconverted into their English equivalents, was simply inviting this House to debate in the dark; and he now put this question plainly to the hon. Baronet the Under Secretary of State for Foreign Affairs—he asked the hon. Gentleman to inform the House whether the order which he (Mr. Newdegate) had seen Lord Palmerston sign, and which was issued to the Embassies of this country abroad, enjoining them to give accounts of all changes, and of all proposed changes, in the Tariffs of the countries to which they were accredited in English, giving the foreign weights and measures and the foreign monies converted into their English equivalents, had been withdrawn, cancelled, or disobeyed?

No reply was given to the Question.

Motion, by leave, *withdrawn*.

MR. MONK gave Notice that, on Thursday next, he should ask the Under Secretary of State for Foreign Affairs, Whether he would lay upon the Table the *tariff à discuter*, which formed the basis of negotiations as to the French demands?

SIR CHARLES W. DILKE, in reply, said, that he would prefer to answer the Question at once. At the last meeting of the High Commissioners on Saturday they had asked their French Colleagues whether the Protocol of the proposed Tariff was a document which might be made public now, or whether it was still to be concealed, as the English Commissioners had no object in concealing any of the documents. The French Commissioners then stated that the negotiations were not at an end, but were merely suspended for some weeks. And they invited the English Commissioners to resume the negotiations in Paris at the end of a month; and they added

that pending the negotiations the Protocols and the conventional Tariff were still confidential documents.

**PARLIAMENTARY OATH (MR. BRADLAUGH)—THE ORDER OF 10TH MAY.**

**COLONEL MAKINS:** Mr. Speaker, I rise to a point of Order. I desire to ask you, whether it is true, as has been stated in the newspapers, that you have received a threatening letter from Mr. Bradlaugh—that is to say, not a letter threatening you with personal violence, but threatening to use violence for the purpose of impugning a Resolution passed by the House; whether it is your intention to take official notice of the letter; and whether you will take such steps as may be advisable for protecting the Serjeant-at-Arms and the other officers of the House from such violence in discharging their duties in pursuance of that Resolution?

**MR. SPEAKER:** Before the hon. Member arose, I was about to inform the House that I had received a communication from Mr. Bradlaugh, Member for Northampton; and I was about to communicate that letter to the House. I will do so now. It is in the following terms:—

**LORD RANDOLPH CHURCHILL:** Might I, Mr. Speaker, ask you a question on a point of Order, before you proceed to read that letter? ["Order!"] In spite of interruptions from the Prime Minister, Mr. Speaker having allowed me to put a point of Order, I insist upon continuing. I wish to ask you, Sir, whether it is competent for any hon. Member to move, after you have communicated that letter to the House; that it be not inserted on the Journals of the House, that it be not considered by the House; and that you, Sir, be requested by the House not to give any reply to it?

**MR. SPEAKER:** The letter, after I have read it to the House, will be laid upon the Table; it will then appear in the Votes, and it will be competent for any hon. Member to found a Motion upon it if he should think proper hereafter to do so. I will now proceed to read the letter to the House:—

"To the Right Honourable

"The Speaker of the House of Commons.

"Sir,

"I beg most respectfully to submit to your notice the following points:—

"1. I am advised that the interruption on the 27th April, and my removal on the 10th May last from the House by the Serjeant at Arms, when engaged according to Law and in precise compliance with the Rules and Orders of the House in attempting to perform the duty of taking my seat, was on each occasion absolutely illegal, and was an infringement of my rights and in breach of my privileges as a duly returned Member of the House.

"2. I am advised that the House of Commons had not any authority either by statute, or according to its own precedents, to pass any Resolution interrupting me or authorising the Serjeant at Arms so to remove me, I being then in the exercise of my lawful right and attempting the orderly performance of my legal duty.

"3. I am advised that I should have been justified in resisting the use of the illegal and therefore unjustifiable physical force on the part of the Serjeant at Arms.

"4. I am advised that, notwithstanding the illegality of the said forcible removal of myself by the Serjeant at Arms, I have no remedy in any Court of Law against the said Serjeant at Arms, as the privileges of the House of Commons protect its Officer even in wrongful acts, if such acts are done in pursuance of the Order of the House.

"5. I am advised that the Order of the House of the 10th May last, a copy of which Order has been served upon me, does not authorise the Serjeant at Arms to use force or to employ force to prevent my re-entry into the House, to the Table of which I have been properly introduced, for the purpose of completely complying with the Law in order to take my seat at the time and in the manner provided by the Standing Orders.

"6. That if such Order should be construed to authorise the said Serjeant at Arms to attempt by force to prevent me from entering the House to complete and fulfil the duty required from me by Law, in the manner provided by the Standing Orders, then that any such user of force would be absolutely illegal, and may be lawfully resisted and overcome by me.

"I beg therefore, Sir, most respectfully to give notice that I claim to disregard the Order of the House of the 10th day of May last, and to treat the same as not requiring obedience from me, on the ground that such Order is absolutely illegal. I do not dispute the power of the House in its pleasure to vacate my seat if once I have taken it. In such case it would be for the Electors of Northampton to decide on a new Election as to whom they would wish further to represent them. I do not question, nor should I resist, the authority of the House to arrest me, this right it has exercised over Englishmen far more more important than myself, but I do deny, and, if it unhappily becomes necessary, shall feel it my duty to resist, the claim to prevent me, in spite of the Law, and by physical force alone, from complying with the Return and Mandate of my Constituents, whose lawful representative I am.

"In the name of the Law, Sir, and of my Constituents, I also most respectfully give notice that I shall, in the manner and at the time provided by the Standing Orders of the House, again present myself at the Table of the House to complete the fulfilment of the duty imposed

on me by Law, and, in the course of the performance of which duty I have been most improperly and illegally interrupted and hindered.

"I, having obtained the leave of my Constituents to this effect, would have waited, and would still wait the reasonable pleasure of the House, as to any Legislation with reference to the manner of my taking my Seat; but, as the House does not express any opinion on this subject, and does not challenge in any way the lawfulness of my Return, it is due to my Constituents that I should insist on the performance of my duty in my unchallenged lawful right, and thus put an end to a state of things without precedent in the history of Parliament.

"I have the honour to be, Sir,

"Your most obdt. Servant,

"CH. BRADLAUGH.

"4 July, 1881."

I have deemed it to be my duty to communicate this letter to the House, because it contests the authority and the Order of the House itself. I may add also that I have given special directions to the Serjeant-at-Arms to enforce the Order of the House of the 10th May.

LORD RANDOLPH CHURCHILL: In view, Sir, of the last observations that fell from you, that the letter contests the authority of the House, and that you have deemed it your duty to take extra precautions, in consequence of that letter, to see that the authority of the House is not disregarded, I presume I shall be in Order in treating the communication which you have just read as a matter affecting the Privileges of the House, in the same way as the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) proposed to treat the former letter of Mr. Bradlaugh. Sir, I beg to move—

MR. SPEAKER: I must point out to the noble Lord, who wishes to know whether he can found his Motion upon a question of Privilege upon the precedent of the former letter of Mr. Bradlaugh, that the case upon which the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) made the Motion and the present case are not at all analogous. On the occasion of the hon. Baronet the Member for Carlisle making his Motion the matter was one of urgency; but on this occasion the noble Lord is unable to plead urgency.

LORD RANDOLPH CHURCHILL: Does this not affect the Privileges of the House in any way? The letter of Mr. Bradlaugh does not—"Order!"—I would say that my sole object is to

prevent the letter being printed in the Votes; and that, I think, is a distinctly intelligible object. But I beg to give Notice that I shall take the earliest opportunity of moving that this letter be not inserted in the Journals of the House, that it be not considered by the House, and that you, Sir, be requested to make no reply to it.

MR. LABOUCHERE: I should like to ask, as a point of Order, whether the Motion of the noble Lord will come on as a matter of Privilege, or whether it will have to go through the ordinary process of the ballot?

MR. SPEAKER: A Motion of this kind could not come on as a matter of Privilege; and I may add that, if the noble Lord proposes to take that course, it will be entirely without precedent. I apprehend that any communication which the Speaker makes to the House must, as a matter of course, be printed in the Votes.

LORD RANDOLPH CHURCHILL: I did not give the Notice, Mr. Speaker, in any sense as antagonistic to the communication you have made to the House, and I did not know that what I proposed to do would have that effect. What I want to do is to prevent, if possible, a letter of that kind—a letter which is of such a very peculiar character—being printed in the Journals of the House. Of course, after what has fallen from you, I shall not proceed with the Motion of which I have given Notice.

MR. SPEAKER: I apprehend that if the noble Lord wishes to take the action that he indicates, the best course for him or any other hon. Member sharing his views to adopt will be to move, subsequently, that the letter be expunged from the Journals of the House.

MR. GORST: Should I be in Order, Sir, if I were now to move that the Order of the House of the 10th May be read by the Clerk at the Table? Sir, you have stated that you have given instructions that that Order of the House shall be executed by the proper officers of the House, and I therefore desire that it should be read at the Table, so that the House may see whether the terms of that Order are such as to give the House the strongest protection against violence or a violent interruption of its proceedings. I will move that the Order of the House of the 10th May be read by the Clerk at the Table.

*Mr. Speaker*

SIR STAFFORD NORTHCOTE: Surely, Sir, the House would best consult its own dignity and the dignity of the Chair by leaving this in your hands. The action of the House was quite clear some time ago. You have entirely given expression to the feeling of the House, and the House may safely trust this matter in the hands of its Chair.

MR. GLADSTONE: I entirely concur with what has just fallen from the right hon. Baronet the Member for North Devon. It would, in my view, be imprudent on the part of the House to interfere with its own Executive, so to speak, in the discharge of the duties which appertain merely to that Executive. It is the business of the Executive to look after the fulfilment of the Orders of the House; and, if that were not so, there would be no use in having an Executive. When the Executive finds it necessary to do so, no doubt it will come forward and appeal to the House for the purpose of having effect given to its action.

MR. SPEAKER: It may be convenient to the House that I should read the Order of the 10th May. It is—

“That the Serjeant-at-Arms do remove Mr. Bradlaugh from this House until he shall engage not further to disturb the proceedings of the House.”

MR. DILLWYN: There is one point which I wish to see cleared up before this matter is allowed to drop. It is said that the Motion is absolutely made, and that the letter of Mr. Bradlaugh will be printed, and that the proper course for the noble Lord the Member for Woodstock to take would be to move that it be expunged from the Votes. I should like to ask whether, if the noble Lord moves to expunge it, that Motion will be one of Privilege or not? Can it be sprung upon us without due Notice?

MR. SPEAKER: It could not.

LORD RANDOLPH CHURCHILL: I beg to give Notice that I will make the Motion at the earliest possible moment.

#### AUSTRO-SERVIAN COMMERCIAL TREATY.

SIR H. DRUMMOND WOLFF asked, When the text of the Austrian and Servian Treaty would be laid upon the Table of the House?

SIR CHARLES W. DILKE, in reply, said, that he had given orders yesterday

that it should be pressed forward with all despatch, and he hoped it would be ready that week.

#### THE TREATY OF COMMERCE WITH FRANCE.

MR. BOURKE said, he wished to ask a Question arising out of an answer given by the hon. Baronet the Under Secretary of State for Foreign Affairs to the hon. Member for Gloucester (Mr. Monk). He wished to know, Whether the French Treaty was to be extended for three months after the 8th of November?

SIR CHARLES W. DILKE, in reply, said, the French Treaty Tariffs would come to an end on the 8th of November, and there was a Bill now before the French Chambers to enable the Government to prolong them for a further period of three months in the event of negotiations for the conclusion of a new Tariff being still pending. The French Government had made proposals to several other Powers to enter into negotiations, and if the negotiations were still proceeding on the 8th of November, the French Government would propose the prolongation of the Tariffs for three months.

#### PARLIAMENT—ORDER—THREATENING A MEMBER.

MR. MAC IVER, rising to a point of Order, said, he wished to ask Mr. Speaker, whether the hon. Member for Oldham (Mr. Lyulph Stanley) was entitled to threaten him in the Lobby of the House?

MR. SPEAKER: The hon. Member is appealing to me on a point of Order with reference to a matter which has occurred in the Lobby. I am bound to say I must decline to give an opinion upon occurrences in the Lobby.

MR. MAC IVER: The hon. Member for Oldham stated that you, Sir, had made a communication to him in reference to a Petition which I presented. I am bound to ask you, whether you did make such a communication to the hon. Member? [“Order!” and “Chair!”]

MR. SPEAKER: The hon. Member, in speaking to a point of Order, has asked me whether I made a communication to the hon. Member for Oldham. I am not aware of that communication; but I must tell him that he should not appeal to the Chair on a point of Order of that kind.

MR. MAC IVER (who rose amid cries of "Order!") said, that he was sorry for the interruption, but to put himself in Order he would conclude with a Motion. The facts were these. The hon. Member for Oldham had, in the Lobby, accused him of having gone much beyond the terms of the Petition which he had presented, and said he had been consulting Mr. Speaker on the subject, and was advised to bring his (Mr. Mac Iver's) conduct before the House. He (Mr. Mac Iver), having a perfectly good defence, wished the hon. Member to do so—if it was true that he had been so advised; but on saying this to the hon. Member, that Gentleman declined to proceed. He was aware that he did use language which was out of Order; but he stated nothing whatever beyond what the Petitioners wished him to say, and he left much unsaid that they desired him to say. He simply wished now to ask Mr. Speaker whether the hon. Member for Oldham had had any conversation with him on the subject; whether he had told the hon. Member that the matter was one which he ought, if he felt aggrieved, to bring before the House publicly? The hon. Member had not done that, but threatened him with a communication from Mr. Speaker, the existence of which he (Mr. Mac Iver) had ventured to doubt, and had, in one of the Lobbies, charged him, in the first place, with having gone beyond the Prayer of the Petition, and, in the second, with obstructing the Business of the House. That was a charge which could not be reasonably brought against him.

MR. SPEAKER: I must put it to the hon. Member that he is now abusing the Privileges of the Motion for the Adjournment of the House. If he moves the Adjournment of the House for the purpose of asking me whether the hon. Member for Oldham had a certain conversation with me, he is committing a gross abuse of Privilege.

MR. MAC IVER, rising amid cries of "Name him!" said, he had not the slightest wish to trespass further upon the House. He had only mentioned the matter, because he thought the conduct of the hon. Member for Oldham most improper and unbecoming.

MR. LYULPH STANLEY: Perhaps I may be allowed to make a personal explanation. The House is probably aware that the hon. Member for Birken-

head (Mr. Mac Iver), in presenting a Petition, was somewhat discursive in his remarks. Several hon. Members on this side of the House rose to Order; but, on receiving an assurance from the hon. Member that he was only repeating the Prayer of the Petition, he was allowed to proceed. I, afterwards, ascertaining that the hon. Member had travelled beyond the Prayer of the Petition, consulted the hon. Member for Swansea (Mr. Dillwyn), who is one of the most experienced Members of the House after yourself, Sir, whether the matter was one to which the attention of the House should be drawn. On the whole, we have come to the conclusion that we had better not waste the time of the House when there was so much more important Business before it; but, having consulted with the hon. Member for Swansea in this matter, and meeting the hon. Member for Birkenhead in the Lobby, I thought it more candid to tell him what I had done. I told him, that though I would not waste the time of the House by drawing attention to an assurance which enabled him to be out of Order, and thereby take advantage of the House, that if such a thing occurred again I should call the attention of the House to it. That is the substance of what passed.

MR. MAC IVER: One word. The hon. Member spoke of a communication from you, Sir, and said he wanted to—"Order, order!"

MR. SPEAKER: The Clerk will now proceed to read the Orders of the Day.

#### ORDERS OF THE DAY.

—o—o—o—

LAND LAW (IRELAND) BILL.—[BILL 135.]

*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. (Attorney General for Ireland, Mr. Solicitor General for Ireland.)*

COMMITTEE. [TWENTIETH NIGHT.]

[Progress 4th July.]

Bill considered in Committee.

(In the Committee.)

#### PART II.

#### INTERVENTION OF COURT.

Clause 7 (Determination by Court of rent of present tenancies).

MR. CHAPLIN having placed upon the Paper the following Amendment:—

In page 8, at end, add the following sub-sections :—

"(12) If the judicial rent of any holding is less than the rent payable by the tenant at the date when the application was made, the landlord, on shewing to the Land Commission that the reduced rent that will probably be actually received from the estate will not be sufficient to pay taxes, rates, cesses, interest, and instalments on public loans, and other charges of a public nature, on the estate, and to keep down the interest or yearly charge for incumbrances thereon, and to leave for the landlord a reasonable surplus, may require the Land Commission to purchase, and the Land Commission shall purchase the estate, under the Lands Clauses Consolidation Acts incorporated with this Act;

"(13) The purchase money shall be applied and distributed by the Land Commission, first, in discharge of incumbrances, as far as the purchase money extends, and then according to the rights of the landlord and others interested in the estate; and for that purpose any trustees may be appointed by or with the approval of the Land Commission;

"(14) The application and distribution aforesaid shall be valid and binding to all intents, and, in case of a deficiency, any proportion or part of the purchase money allocated by the Land Commission, and paid in respect of any incumbrance, shall be deemed to be paid and received in full discharge of that incumbrance, as far as the estate was a security for the same;

"(15) For the purposes of this section, incumbrance includes mortgage in fee or for a less estate, trust for securing money, registered judgment, decree, or order, legacy, portion, lien, or capital or other sum charged in any manner on an estate."

**THE CHAIRMAN** : It may save discussions upon Order if I state, before asking the hon. Member for Mid Lincolnshire (Mr. Chaplin) to propose his Amendment, that I have carefully compared it with the Money Resolution of the 30th May, and that I consider it is within the wide terms of that Resolution. By it the Committee can consider proposals for "advancing or purchasing of estates," no limiting words being attached to such purchases except provisions which may ultimately be enacted in the Bill before us.

**MR. GLADSTONE** : On a point of Order, Sir, perhaps you will be kind enough to explain to us the difference between a Committee of this character and a Committee of Supply, in which the power of making proposals for taking money, through the authority granted to it by the House, is entirely limited to Ministers of the Crown? I understand you, Sir, to say that it is open to any hon.

Member to propose an outlay of public money in a Committee on a Bill, provided only that the terms of the Resolution of the 30th May do not exclude the purpose for which the money is proposed to be taken.

**THE CHAIRMAN** : The difference is that in Supply the sums are fixed and may be reduced, but cannot be increased, either as a Vote or a tax, by a private Member. Any increase of a Vote or a tax can only be moved by a responsible Minister of the Crown; but, in a Committee on a Bill, the Ministers of the Crown have no privileges as to Money Clauses beyond private Members, after the House has come to a Resolution regulating the monies to be voted by Parliament for the purposes of the Act. Both are governed by the Money Resolution of the House, and any proposals made within the terms of this Resolution may be considered, whether they are made by private or official Members of the House.

**MR. CHAPLIN** said, the object of the Amendment which had been referred to was to provide for those cases which it appeared to him might possibly arise under the Bill in consequence of a reduction of rent by the Court. He was quite aware it was a somewhat startling proposal to make that landlords or any other classes of the community should be relieved of debts which they had legally incurred, and he quite admitted it was a choice of evils. It was a painful dilemma in which to be placed; but the fault was not his. The fault lay with the Government who introduced this legislation, and it seemed to him that it would be even worse that any class of the community should suddenly be reduced to beggary and ruin through no fault of their own, but owing to the action of the Government who introduced legislation of this kind. It appeared to him that this was another illustration of the difficulty which Parliament must necessarily encounter the moment it departed from sound principles of legislation, and from that strict regard for the rights of property which had hitherto been recognized by the Administration of every country in the world with the exception of Her Majesty's Government. No doubt, it would be a very considerable shock to those persons and those classes in this country who had invested their money in securities of this nature to find that it was im-

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perilled by this legislation, or by Amendments moved in consequence of it, and no one regretted more than he did the necessity of moving an Amendment of this nature. But he confessed that he would regard it, to a certain extent, as a mitigating feature of that necessity if it brought home to the general public some sense of the dangers which were incurred at the present time by property of all classes and descriptions through the legislation introduced by the present Government, and the dangers they must necessarily encounter the moment Government or Parliament began to tamper with the rights of property, and devise legislation which he looked upon as nothing less than confiscation. The effect of the Amendment would be this—if the judicial rent was lessened by the Court to such an extent that it was not sufficient to meet, in the first place, either the taxes or the encumbrances of the estate, and, in the second place, to leave some reasonable surplus for the landlord, then the landlord might require the Land Commission to purchase the whole estate under certain terms. The 2nd section provided that the estate, having been purchased in this way, the purchase money should be applied and distributed, in the first place, to the discharge of all the encumbrances on the estate, and, if there were any surplus, it should be applied to the rights of the landlord, or the rights of any others who might possess an interest in the estate. The 3rd section provided for the case where there was a deficiency of funds after the estate had been purchased to meet all the charges and encumbrances on the estate. In that case it enacted that the purchase money having been allocated by the Land Commission, if there was not sufficient to pay the whole, it should be treated as a discharge of the debt in full—that was, so far as it related to the State giving security. Before he moved the Amendment, however, he wished, on a point of Order, to ask the Chairman's opinion, because he had observed there was another Amendment, somewhat of the same nature, on Clause 20, page 13, line 23, standing in the name of the hon. Member for the Eastern Division of the West Riding of Yorkshire (Sir John Ramsden). He wished to know, by the Chairman's ruling from the Chair, whether, in the event of his moving this Amendment,

*Mr. Chaplin.*

and it being negatived, it would prevent the Amendment of the hon. Member for the Eastern Division of the West Riding of Yorkshire from coming on? If his (Mr. Chaplin's) Amendment were moved and negatived, and the position of the hon. Member's Amendment was not thereby interfered with, he should be glad to go on with his proposal.

THE CHAIRMAN: The Amendment referred to by the hon. Member (Mr. Chaplin) is much further on, and I do not like to give a definite opinion so far in advance of the Business of the Committee. There is a difference between the two Amendments. In the Amendment the hon. Member for Mid Lincolnshire proposes to move, I apprehend he suggests that if the judicial rent is lower than that which existed before, that the whole estate should be purchased; but in the Amendment of the hon. Baronet the Member for the Eastern Division of the West Riding, it is suggested that if the holding has a judicial rent fixed lower than formerly, that that holding should be purchased. But I am not prepared to say whether they are substantially the same, until I have given further consideration to the subject.

Mr. CHAPLIN said, that as he understood if he pressed his Amendment it was possible that the subsequent Amendment to which he had referred would be placed out of Court, he would refrain from bringing forward his proposal.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. GLADSTONE: The reason that I rise now is that I desire to state to the Committee what is the view of Her Majesty's Government as to the principles contained in the clause; and that I shall do in the briefest manner, as the discussion has already ranged over a very wide field. It has been observed that there is more than one point involved in the present clause. There are, however, only two to which I will refer, and the first of them is that which relates to judicial rents, whilst the second is that which concerns the renewal of the statutory term. Those are the two main principles of the clause, and, undoubtedly, those two principles might have been separated and put into two different clauses. This case might have arisen. Some hon. Gentlemen, or important

numbers of hon. Gentlemen, might have been adverse to, and others in favour of, the proposition; but it would have been perfectly competent for hon. Gentlemen, if they had thought fit, to endeavour to remove themselves from this difficulty, to move to omit from the clause so much of it as to have enabled the portion struck out to be renewed in the statutory term later on. In that way it would have been open for us to bring up that matter on a separate clause. No such difference, however, so far as I am able to ascertain, exists in the views of the Committee as to this clause. The right hon. Baronet the Leader of the Opposition (Sir Stafford Northcote), when he was dealing with the question of judicial rents, stated that he intended—I presume that he intended on behalf of his Party—to record his objection to the judicial rent when the question was put for the adoption or rejection of the clause. Since that, general objection has been taken to the renewable statutory term, so that I conceive that there is no practical difficulty under which we lie in having these two questions in the same clause. As to the judicial rent, I shall hardly say a word, because I am under the impression that a very great majority of this Committee—a greater majority probably than voted for the second reading of the Bill—are friendly to the adoption of a judicial rent. And, then, again, this judicial rent was recommended by two Commissions, one of which embraced and included many Members of this Committee, amongst them being the hon. Member for the Tower Hamlets (Mr. Ritchie) and the hon. Member for Mid Lincolnshire (Mr. Chaplin). [Mr. CHAPLIN: No.] The hon. Member for Mid Lincolnshire says “No.” The Report of Her Majesty’s Commissioners for inquiring into Agricultural Distress was undoubtedly signed by the hon. Member, and it contains a paragraph which appears to me to be a recommendation, and if it is not a recommendation it would be well that the matter should be explained. It contains this statement, that I understand to be a recommendation—“Considering that improvements are generally the work of the tenant.” I will not quote the whole of the words; but a general proposition which goes far beyond that principle is embodied in the Report, and the proposition is this—

“The desire for legislative interference to protect the tenant from an arbitrary increase of rent, does not seem unnatural; and we are inclined to think that by the majority of landlords legislation properly framed to accomplish this end would not be objected to.”

So far as I am able to understand the English language, this appears to me to be a recommendation of judicial rents. It does not say that it is a judicial rent in cases affecting the tenant’s improvements, but it speaks of rent at large, and states that legislation, properly framed for checking increase of rent without distinction between rent on improvements and any other rent, should not be objected to. It may be said that this legislation is not properly framed; but that answer can hardly be made, because the framing of the legislation has not been objected to. No other form of legislation of this kind for checking increase of rent has been proposed against it. It has been accepted as, perhaps, on the whole, not perfect legislation, but as being as free from objection as any that we can devise. But that is not the main question as to what is to be said on judicial rent, and on this point I do not propose to detain the Committee. What I wish to say is that there has been language used in this House which, in my opinion, is altogether loose and inaccurate, to the effect that this is a clause for giving perpetuity of tenure. In my opinion, and not in my opinion only, but as a matter of fact, I think it can be shown to be no such thing. I am not saying this in the interest of any particular Party, or to acquire the favour of any particular section of the Committee. There are those who would wish that this clause did confer perpetuity of tenure, and there are those who entirely object to perpetuity of tenure. It appears to me to be absolutely undeniable that this clause does not confer perpetuity of tenure, and that the use of the phrase “perpetuity of tenure” in connection with it is an abuse of language. It is altogether a misapprehension. Now, this is my proposition—is this, or is it not, perpetuity of tenure? What is perpetuity of tenure? I should say that it was a tenure which was incapable of forfeiture even by a breach of covenant; but, whether that is so or not, it is undoubtedly a tenure which is absolutely incapable of being interfered with by the expression of a man’s will to take the

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tenancy in his possession, or when he transfers it to another person. If I do not call this clause perpetuity of tenure, I call it durability of tenure, reasonable security of tenure—security such as is intended to obviate apprehensions, reasonable security such as is intended to give confidence, and such as is intended to set free both the mind and the arm of the tenant for the improvement of his holding, and to give confidence that the whole of the fruits of his labour will be secured for his own use and enjoyment. That is the extent of what we give; and for this purpose, in our judgment, it is absolutely necessary that a durable tenure should be given to the tenant. That perpetual tenure should be given to a tenant is a totally different matter. There are many who urge that perpetual tenure ought to be given to the tenant. With very slight exception, indeed, I think it might be said that the Commission of Lord Bessborough recommended perpetuity of tenure. Even that is not altogether true; but it is not very far from true. But, with respect to this clause, it is, in my opinion, whether as a matter of praise, or as a matter of blame, inaccurate to speak of it as giving perpetuity of tenure to the people of Ireland generally. As regards the people of Ireland generally, many of them may not go to the Court at all. I do not believe there is anyone in this House competent at this moment to form a trustworthy judgment as to what proportion of the tenantry of Ireland will go to the Court. There are some of the conditions under which the Court will operate which will make them very desirous to go before it, and there are other conditions that will make them, in my opinion, very unwilling in some cases to go before it. But, however that may be, many of them may not ask to go to the Court. Many may be absolutely repelled from going, because there are particular cases—such, for instance, as the limited enactment as to estates conducted on what is called the English custom, and this matter as to judicial leases—that may be the means of excluding the action of the Court altogether so far as statutory terms are concerned, and so far as anything except the terminable interest is concerned. Well, that disposes of some people in Ireland. Is perpetuity given to those who go into the Court, whose applica-

tion is accepted and approved by the Court, and who receive from the Court a judicial rent and a statutory term? And now, what I state appears to me to be so plain that I cannot conceive how it can be contested. I can conceive anyone saying, "this is a tenure of durability which you have no right to give," and I can conceive all sorts of objections on the merits of it; but let the objection be raised on the merits, and do not let it be described as "perpetual tenure." It is not a perpetual tenure for various reasons; because, for instance, of the distinction between present tenancies and future tenancies, and because of the modes provided by the Bill, by which what has been a present tenancy becomes a future tenancy. In the first place, there is the mode of forfeiture of a present tenancy, and the replacement of it by a future tenancy, in consequence of a breach of conditions by the tenant. A present tenancy may cease on any and every of the occasions when a tenant right is transferred. When the landlord exercises his right of pre-emption the future tenancy is entered upon, which does not reserve to the tenant the right to apply to the Court, though it does reserve to the tenant his interest in his holding, and places certain restrictions on his rent. When a tenancy is transferred, there is a power in the hands of the landlord of converting, if he thinks fit, a present tenancy into a future tenancy. But this is not all. It would be no perpetuity of tenure if a man were not free to hand it over to someone else. A tenant is subject to the provision I have mentioned, and he is subject to the choice or the veto of the landlord over the vendee. The landlord can, on any reasonable cause—and the interpretation of a reasonable cause is a thing traditional in Ireland—the landlord can oppose and object to the transfer. This shows, again, that you will be misusing language to call this a perpetuity of tenure. But even this is not all; because whilst a tenancy continues in the hands of the existing tenant, it is liable to resumption by the landlord upon reasonable and sufficient cause. I admit that for 15 years, which is the first statutory period, it is not liable to resumption. The exception which we have made with regard to labourers' cottages is, I am afraid, one of a narrow scope; but whatever it is, it is only for this par-

*Mr. Gladstone*

ticular purpose, and can hardly be considered as greatly affecting the measure before us. For 15 years there will be, practically, fixity of tenure; and the fact remains, that after every statutory term, where the landlord can show sufficient cause, the tenant can be displaced with compensation, and the holding may be resumed by the landlord. Therefore, when the hon. Member for Mid Lincolnshire, or any other hon. Member, thinks it worth while to refer to speeches made by me against perpetuity of tenure, my answer is a simple one. I can reply simply, that I adhere to the statements contained in those speeches. I do not think perpetuity of tenure desirable. What is desirable, what is necessary, what is absolutely vital to this Bill, and what in this Bill cannot be departed from by its framers, is that we should give the tenantry of Ireland a durable interest sufficient to become the basis of a real practical security. Unless we were prepared to do that, we had better not have drafted the Bill at all. Without a provision of this kind the Bill would be a departure from our duty. It would be a mockery, and would satisfy neither the Committee nor the Irish nation—it certainly would not give peace to that still unhappily disturbed country. We have got to attain this end without granting perpetuity of tenure. Why do we not grant perpetuity of tenure? Because we cannot reconcile perpetuity of tenure with the maintenance, or, still more, the duties of the landlords. I grant you that it was this very difficulty that we endeavoured to deal with; but we made an endeavour to obtain security to the Irish tenant, not only security for compensation when removed from his holding, but something more than that—namely, an assurance that he would not be removed from his holding except for grave and sufficient reasons. We have endeavoured to secure this in a manner compatible with retaining the position, the privileges, and the duties of the landlords. It is difficult, perhaps, to bring these things together; but, Sir, we have made the attempt, and we have endeavoured to adhere to the basis on which the attempt is founded. If, in the future, other attempts are made which are to become the law of that country, they will be attempts which will be likely to be in the direction of greater fixity of tenure. This

is an important opportunity; this division is an important division, because the maintenance of the clause, which, as I have said, seems to us to be absolutely essential and vital to the Bill, is in the balance; it is a question of the standing or the falling of the labours of the year—the work of the Parliament during the year—and not only that, but upon this rests our hopes for the tranquillity and good order of Ireland. But I have said that I have no title to restrain the liberty of objection to and impeachment of this clause, and I only wish to express the hope that in all justice we may not be credited with praise that we do not deserve nor be charged with imputations that do not attach to the course which we have taken. I know that what I have said—almost every word of what I have said—will be characterized by hon. Members as depreciatory of the Bill. I am not here to conceal the character of the Bill; I am here, on the contrary, to make its true character appreciated and understood. Take it for what it is worth. It aims to give the tenant a durable interest; it does not aim to give him perpetuity of tenure. Let us discuss this clause and the Bill on the ground that they are for the purpose of giving a durable interest to the Irish tenant without dispossessing the landlord of his social position and the responsibilities that belong to it. We do not seek to dislocate society, and we have never had that object in view; but we cannot offer less to the Irish tenant than is here offered to him, that is, the pledge involved in this Bill—a pledge which is the more consolidated, and, if I may say so, consecrated by the reception which this measure has had from the masses of the people of England, Scotland, and Ireland.

MR. A. J. BALFOUR said, that, as he had a Motion on the Paper for rejecting the clause, he might, perhaps, be allowed to say a few words with regard to it. He imagined that the Prime Minister had an object in view in taking the unusual course of commencing a debate on the Motion for rejecting the clause; but with that object he (Mr. Balfour) had nothing whatever to do. It was, no doubt, to warn his followers that he regarded the fate of the Government as depending upon the clause itself. That was a matter of the internal

policy of the Liberal Party with which he (Mr. Balfour) was in no way concerned. But the first part of the Prime Minister's speech was intended, no doubt, to restrict the area of the discussion on the clause, and with that object the Committee would sympathize. He (Mr. Balfour) should not like to extend the discussion; but the Prime Minister had tried unduly to restrict the discussion, and to put it into limits which, he thought, they on that side of the House would find themselves impossible to keep within. The right hon. Gentleman had said that there were two principles contained in the clause—namely, judicial rent and fixity of tenure. With regard to the second question, the right hon. Gentleman referred to the Reports of two Royal Commissions, which, he said, supported the view of the Government. Well, as to the Bessborough Commission, he (Mr. Balfour) should have thought, after the recent debate which had occurred in "another place," it would have been well to have made no further allusion to it. He should have thought that no Government would have been rash enough to have urged the authority of that Commission in any way. But with regard to the other Commission the right hon. Gentleman claimed that it had pronounced in favour of valued rents; and when the hon. Member for Mid Lincolnshire (Mr. Chaplin) dissented from that proposition, the Prime Minister proceeded to read out from the Report words which he regarded as conclusive on the point. He would point out to the Prime Minister that if the hon. Member for Mid Lincolnshire showed half the ingenuity in explanation that he did not report in favour of valued rents that the Prime Minister had shown in demonstrating that the Bill did not give fixity of tenure, he would find it a very easy task to escape from the strictures of the right hon. Gentleman. What did the Report say? It stated that there was a very general feeling throughout Ireland that valued rents would be desirable, and that many landlords would not object to a measure framed on those principles. He did not think that that bound the Commissioners in any way. He must confess that he (Mr. Balfour) himself should not have signed those words, because they were really a misinterpretation;

*Mr. A. J. Balfour*

but, at the same time, he was sure that the hon. Member for Mid Lincolnshire, when he came to speak on this question, would find no difficulty in escaping from the net which the Prime Minister had attempted to throw round him. Now, with regard to the question which the Prime Minister had raised as to fixity of tenure, the right hon. Gentleman argued elaborately to show that this measure did not give perpetuity of tenure. He (Mr. Balfour) did not wish to waste the time of the Committee over what was, after all, a mere verbal excuse. The Prime Minister said the Bill gave durability of tenure; but it seemed to him that durability of tenure, which lasted, practically, for ever, was undistinguishable from perpetuity of tenure. The right hon. Gentleman's contention was that to call it perpetuity of tenure was nothing more nor less than abuse of the English language. Those were the two questions which the Prime Minister said were raised by this clause; but there was another question which, though it was intimately connected with them, might be distinguished from them, and, in his opinion, it was by far the most important. That was the handing over to the Court, with no directions whatever, the regulation of a gigantic industry like agriculture. Yet that was what the Government did in this clause. Was the Court to deal with a country of 5,000,000 of people who practically supported themselves by but this one industry? A little section of the people of Ireland showed a sense of discontent, and the Government came down to this House and actually proposed, as a remedy, that all the most delicate and important interests of that great industry, by which a whole people were supported, should be handed over, without any regulations, to a Court not yet named. It was against this proposal that he should protest, more especially when he voted, as he shortly should vote, against including this clause in the Bill. In deciding this question of rents they could not possibly act without determining also the question of the interest in the capital and the question of wages; because, whatever might be the elements that the Court would take into account in deciding fair rents, there could be no doubt that the Court would have to also take into consideration the fair value of the labour,

and the fair value of the capital, of the landlord. He admitted that, so far as the Bill went, they were at present only determining the wages of the farmer; but did they think they would be able to stop there? There had already been brought to bear upon the Government a great deal of pressure to induce them to deal with the question of the agricultural labourers. They had dealt with the farmers; would they be able to resist the appeal of 500,000 agricultural labourers when they came and asked them to determine—as they had already determined what was a fair day's rent—what was a fair day's wages? The action of hon. Members who came from Ireland showed that they did not mean to let the question rest, and they would be weakening their hands when asked to deal with it if they assented to the principle of the clause now presented for their acceptance. This was a subject on which he confessed he felt very strongly; and if there was any one consideration which would make him take a more serious view of it than another it was that the Government and hon. Members opposite appeared to think that in establishing this omnipotent Court they were doing the most ordinary legislative act in the world. No doubt, the Prime Minister had made some statements showing that he fully considered that the position was one not without gravity; but he (Mr. Balfour) had not heard that sentiment echoed from the Benches behind the right hon. Gentleman. Nor did he think there was in the Party opposite, nor in the country at large, a just apprehension on this matter. This was an experiment that had never before been made in any civilized country. [An hon. MEMBER: In India.] He was talking of Western Europe and the civilized world. No country had ever ventured on an experiment analogous to this; and not only was the experiment destined to failure, but it was one that would have serious consequences in the interests of legislation generally. Hitherto they in England had prided themselves on their principles of free contract between man and man, and they had regarded those principles as the highest mark of civilization; and there was a right hon. Gentleman sitting on the Front Bench opposite who, during the past 40 years, in season and out of season, had preached

that doctrine, and who had gained and maintained his popularity by preaching it. He did not know what the right hon. Gentleman thought of it now. What did the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) think of the speeches he had delivered in years gone by on the Ten Hours' Bill, and other measures in which that great principle was involved? Had they any right to suppose that they might not in the future, and in the not very far distant future, see large classes coming to the Government and declaring—"You must step forward and protect us from free contracts?" That was what was said now in Germany. In this country they desired no interference with the operation of the laws of free contracts; and if such a movement ever spread to England, and if large numbers of the working classes of this country ever came, in the future, to the Government, and said—"Our lot is pressing hardly upon us; we are suffering extremely from the want of equality in the distribution of wealth, which is the result of your economic laws with which you can interfere, as you have shown in the case of Ireland that you are able to do"—he wished to know what reply could be given by the Government or their successors? The question was one on which he had already troubled the House at the time of the second reading; and it was one which, he thought, on account of its great importance, ought to be raised again on the third reading of the Bill. He should certainly divide the Committee on the question that this clause be omitted from the Bill.

MR. VILLIERS STUART: I am much surprised that the hon. Member opposite (Mr. A. J. Balfour) should have proposed the omission of this clause from the Bill; for, if there is one portion of it above all others justified, not only by the necessity and circumstances of the present crisis, but also by sound policy, it is this clause, which creates a tribunal securing fair rents to the tenant farmers of Ireland. It is the duty of every Government, it is the duty of every statesman who legislates for any country, to see that all obstacles are removed out of the way of the fullest development of national industries. That applies just as much where the national industry is agriculture as where it is manufacture or commerce.

The statesman would be neglecting his duty, therefore, if he allowed agricultural improvements to be obstructed by the imposition of a fine upon them. In the case of all sciences, the sole sanction for whose laws is experience, Adam Smith defines political economy to be the science which deals with the nature and causes of the wealth of nations. Stuart Mill defines it as the science which treats of the production and distribution of national wealth; that which promotes the production of national wealth and prosperity best accords with the principles of political economy. That which hinders it is most opposed to it. What can hinder it more than taxes on industry and enterprise? What can be more impolitic than to leave in private hands the power to tax a national industry by raising rent in proportion to improvement? Theoretically, it is open to the farmer to refuse increased rent; to accept his compensation and go; but, in practice, he has hitherto preferred to submit, though with a deep sense of wrong, because over and above the money value of his improvements was the attachment he felt for the farm, the improvement of which had, perhaps, been the great object and interest of his life. Is it politic to allow the state of the Land Laws to endure which leaves it open to owners to confiscate the capital and labour which tenants have invested in their farms, by clapping on additional rent for every additional improvement? Is not this to make improvement penal? Does this not account for the backward state of agriculture in Ireland? Can legislators, honestly attempting to remedy this evil, deserve the term impolitic? I know that the great majority of Irish landlords would scorn to take advantage of their tenants in this way; they are, in fact, much better than the laws. Most of them are sincerely anxious to deal justly with their tenants; but a very small percentage of grasping and unscrupulous men suffice to do the mischief. Nay, the very fact that the law renders it possible is enough to frighten the farmers and deter them from doing justice to their farms; and, if their present landlord is too just to take advantage of the law, what security have they that his successor will not do so, and thus fine them heavily for their own industry and enterprise? Such a state of law is enough to kill all enterprise

*Mr. Villiers Stuart*

and all improvement. Is it politic to allow the law to remain unaltered? Is it not the duty of the State to remove out of the way all obstacles to the development of the resources of the country they govern, and I see no better means of remedying this serious evil than the establishment of land tribunals to insure fair play in the matter of rent. If it be objected to on the principle of political economy, I ask, has there been a divine revelation from heaven on the subject, that we can claim infallibility for the existing theories of political economists? Political economy is not an exact science like mathematics, the premisses and conclusions of which admit of no dispute, nor has any heaven-sent gospel on the subject come down to us; no, it is a science built up by experience, but the conclusions of human experience are continually subject to modification. New experience and new combinations in endless succession arise, requiring us to admit new exceptions to our rules, in the case of all sciences, the sole sanction for whose laws was experience. At all events, in the problem before us, necessity is the unanswerable argument. When the alternative lies between reform and revolt, we cannot afford to be too nice; when a conflagration is in progress, we must use the engine we have at hand, and not wait to consider whether we might not get a better one. Liability to rack rent causes smouldering discontent, which periodically passes from the chronic to the acute stage. A very acute stage prevails at present. When the passions are aroused, when men are dragged from their beds to be shot in the presence of their families, or murdered while attending a father's funeral, or have their houses blown up, all which incidents occurred last week, it is high time to strike at the root of causes which give excuse for such passions to blaze out. I say the excuse—God forbid that I should say the justification—of the crimes that have been committed, and that are now daily being committed, must fill us with indignation and horror. The state of the law cannot justify them any more than it can justify the unholy work of sowing hatred between class and class of their fellow-countrymen, in which some of the popular leaders have been employed; but defects in the law furnish the excuse, and it is not politic to leave that excuse in exist-

ence. Of course, State interference in what have been regarded as matters of private contract do clash with the notions which have hitherto prevailed. But I am one of many landlords in Ireland who have been compelled to come to the conclusion that such interference is necessary, and that it would have been well for us if it had taken place long ago. I have no hesitation in saying that it is for the interest not only of the tenant, but also of the landlord, that this interference should take place. I believe the Reports of the two Commissions prove that the great majority of the Irish landlords would shrink from exacting an exorbitant rent; but, unhappily, there are a small minority of landlords who are not guided by the just and humane principle of "Live and let live," who regard their tenants as mere rent-paying animals from whom to wring the last farthing that can be extracted. The mischief which even a small number of such men can cause is immeasurable. Men of the class I refer to have no scruple in turning their own improvements against their tenants, and in pushing up the rent in proportion to the amount of improvement that has been effected upon the farm. There is nothing which the Irish farmer dreads so much as having his improvements turned against himself in this way. Any one single case of this kind will frighten all the farmers in an entire district; and it is impossible to over-estimate the mischievous consequences to the development of Irish agriculture which have followed from this cause. The State is undoubtedly justified in interfering in the matter of rent—for what might happen if they were absolutely precluded from doing so? It was the State that originally conferred their land upon the landlords; but there must always have been this condition reserved—that they should not use the powers conferred to the detriment of the State. The landlord who tried to carry out to its extreme logical conclusion the theory that he had a right to do what he liked with his own would soon find out that there were limits to that right as regards the public. It would be intolerable, for instance, if he were to proceed to convert a populous manufacturing district into a grouse moor by evicting the entire population, and levelling every town and village upon it; but he might do

this if the State had no power to interfere in the matter of rent, for he might demand impossible rents. In this last resort, therefore, the State is justified in interfering in the matters of rent; and it is for the Government of any country to determine when such a crisis has arisen as renders it expedient to interfere; this right to interfere is not limited to land, it was at one time deemed expedient to interfere with the interest to be charged for money, as was done in the case of the usury laws, when it was declared unlawful to exact a higher rent or rate of interest than 5 per cent. A still more arbitrary exercise of the right to interfere with the interest to be charged for the use of that which is a man's own property in a sense more absolute than can be predicated of land is the case of the London cab-drivers. Their cabs, their horses, and their time is their own. Yet they are precluded from charging what they please for the use of them. And a fair rent has been fixed for them in a very arbitrary fashion, and the plea in this case was not necessity but convenience. There is, therefore, plenty of precedent for interference by the State in the case of land rents. Of course, it is open to dispute whether the necessity for such interference has arisen. But the most impressive argument in favour of the necessity is the united testimony of two special Commissions, one of them appointed by a Conservative Administration, the other by a Liberal one. I joined an association last Autumn called the Land Tenure Reform Committee, of which such landlords as Lords Monck, Monteagle, and Emly, and Judge Longfield were members; they were all unanimously of opinion that a Land Court, as a security against rack-rent, was necessary; and a number of the most enlightened landowners in Ireland have come to see the danger of their own order, which is threatened, if some security against the unlimited exactions for rent is not devised. Nor have I seen any other effective measure for this purpose suggested, except tribunals empowered to control and regulate the relation between landlord and tenant, and insure to the people the use of the land at a fair rent. Speaking as a landlord myself, I would say that it is vitally necessary for the landlord as for the tenant that this interference should now take place. Had



such control been established long ago, we should not be involved in the dangerous crisis which now prevails.

MR. CHAPLIN said, his first objection to the clause was that it was wholly unpractical and unworkable. That would become more apparent when they considered, on the ground of time alone, the work the Court would have to do. The first and most elementary duty of the Court would be, after hearing the parties and considering all the circumstances of the case, holding, and district, to fix a judicial rent for all the parties who might apply to it. He was informed by the highest authority that, at a moderate estimate, it would take two hours to hear each case; and he understood there were about 600,000 tenants in Ireland. There were three classes of tenants in Ireland—the highly-rented, the lowly-rented, and the moderately-rented. The highly-rented tenants would all, of course, go into the Court at once; while the Government had now empowered the landlord also to go into Court; and it would be unfair to suppose that if the landlord were taken into Court by the highly-rented tenant, the landlord would not be likely to take the low-rented tenant into Court. But they were told by the Prime Minister that rent was not the only thing which would induce the tenant to apply to the Court; that he would go into Court to obtain stability also. What would be the consequence? The whole case of the Government was that this stability of security which the Bill insured to the tenant was the one thing which the tenants in Ireland wanted, and that it was the absence of that which the tenants complained of. That was the essential grievance which they said they were about to remove; and the consequence would be that unless the Bill had been introduced on grounds totally false, the great majority of the tenants in Ireland would go into Court at once, not on account of rent only, but in order to get the stability which the Government said was essential for them, and which they also said was one of the main causes for the introduction of the measure. If that were so, he entreated the Committee to consider for one moment, before the clause was finally accepted, what was the gigantic, the impossible task they were about to impose on the Court. He

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might quote the words of the Prime Minister on the first introduction of the Land Bill, when he said—

“I have very great doubts indeed whether—if we were, by compulsory law, to refer the ultimate regulation of every bargain relating to land to a Judicial Commission sitting in Court—any judicial authority you could create would not break down under the weight so imposed upon it.”—[3 *Hansard*, colx. 907.]

Well, it did not appear to him to matter much whether the action of the Court was to be compulsory or permissive, the result would be the same, that the great majority of tenants would go into Court. He would take the number applying to the Court at the moderate estimate of half of the entire number—namely, 300,000; and, on the supposition that each case would take an average of two hours to try, it would require 600,000 hours to decide all the cases, and, allowing that the Court sat six hours each day, something like 12 years would have passed before all the cases could be decided. Such was the position in which the Court would be placed, and after all the inducements they had held out to the Irish tenants, after the manner in which the Irish people had been excited, what, he asked, would be their feelings, when they found everything brought to a dead-lock, and the security offered to them a sham and a delusion, because, owing to the weight and bulk and clumsiness of the Bill, it was absolutely unworkable? But if the primary difficulties were got over, what were the particular difficulties that remained? He regretted to detain the Committee; but he would remind hon. Members that that was the last opportunity they would have of discussing the most novel, if not most revolutionary, proposal that had ever been submitted to the House of Commons. He asked the Committee to consider what were the principal difficulties in the way of arriving at a judicial rent by the machinery provided by the Bill; and here he must refer to some of the observations which fell from the Prime Minister upon this point, and in support of his (Mr. Chaplin's) contention, because he was aware of his inability to adduce any arguments so able and so unanswerable as those which had been used by the right hon. Gentleman himself. What did the right hon. Gentleman say 11 years ago as to the difficulties attending the valuation of rents in Ireland? He said—

"Now, look at its practical difficulty. We are to value these rents. What an army of public officers are you to send abroad to determine from year to year the conditions of the 600,000 holdings in Ireland, conditions which are settled with comparative ease when settled by private intercourse, but conditions the fixing of which beforehand by a public authority would be attended with tenfold difficulty."—[3 *Hansard*, cxcix. 1846.]

The right hon. Gentleman added—

"How are these rents to be valued? What is the test? The prices of produce? Of what produce? Of one kind of produce or of all kinds? Can any man fix by law any system upon which it will be possible to adjust rents by calculation founded upon prices of agricultural produce of all kinds. . . . It is impossible, in my opinion, to get the prices of produce so as to found the rent upon them by a public authority; and if you could get them it would be absolutely impossible to apply a standard according to the varying circumstances of each particular holding, and its capacity to produce this or that kind of produce. But what are we to say with regard to the quantity of produce? Supposing the quantity of produce is doubled, is the landlord to receive the same price for the increased quantity, or is he not? If he is to receive the same price for the increased quantity where is the tenant's inducement to increase the quantity? But if the quantity is to remain the same, by what authority do you cut off the whole of the landlord's interest in the prospective increase in the quantity of produce?"—[*Ibid.* 1847-8.]

And the right hon. Gentleman wound up by saying—

"If I state these things it is that I may provoke confutation. I disbelieve in the possibility."—[*Ibid.* 1848.]

He (Mr. Chaplin) disbelieved in it too, and he could not but say that he thought the Committee had been treated very unfairly throughout the discussion, because no Member of the Government had risen in his place to say in what respect the Prime Minister in those days was so completely deceived. But what was the objection of applying that principle of valued rents to Ireland? He must again trouble the Committee by quoting the right hon. Gentleman, who said—

"If I could conceive a plan more calculated than anything else, first of all, for throwing into confusion the whole economical arrangement of the country; secondly, for driving out of the field all solvent and honest men who might be bidders for farms, and might desire to carry on the honourable business of agriculture; thirdly, for carrying widespread demoralization throughout the whole mass of the Irish people, I must say, as at present advised—to confine myself to the present and until otherwise convinced—it is this plan, and this demand, that

we should embody in our Bill, as a part of permanent legislation, a provision by which men shall be told that there shall be an authority always existing, ready to release them from the contracts they have deliberately entered into."—[*Ibid.* 1846.]

He regretted extremely that the right hon. Gentleman was not in his place; but he asked, was it conceivable, on any principle of morality or justice, and in the face of those declarations, that neither the right hon. Gentleman himself, nor any of his Colleagues, should not have had the manliness or courage to explain, maintain, or contradict them? But the right hon. Gentleman had said that he (Mr. Chaplin) was a party to that plan; that the Richmond Commission had recommended it, and that his name was affixed to the document which, as he had endeavoured to explain to the Committee, distinctly recommended the adoption of the plan by which rents in Ireland should be fixed by some judicial tribunal. He supposed the right hon. Gentleman thought nothing of the fact that he had repudiated all connection with such a plan or such a recommendation; and, further, he supposed it was nothing to him that that recommendation had also been repudiated by the President of the Richmond Commission in "another place." If the Committee would allow him to explain, he would, in a very few words, endeavour to show that the right hon. Gentleman was mistaken. His (Mr. Chaplin's) contention had always been that the institution of a Court of public authority was not necessary to give the tenant legislative protection against the arbitrary raising of rents. There were a variety of ways in which that protection might be given. He would submit one to the Committee—he did not say it was the right, or the only one; but it would insure protection to the tenant, and was preferable to the clumsy machinery of that ingenious Bill, introduced for the purpose of puzzling tenants, and enriching all the lawyers in Ireland. What objection was there to this—when a tenant made improvements on a farm to give him power by statute, before the landlord was allowed to raise his rent, to call upon the landlord to buy up all the improvements? So in the case of tenant right. Where the tenant had been encouraged to give large prices for tenant right he had always said it was both reprehensible

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sible and undesirable to allow the landlord so to raise the rent as to eat up the tenant right. What was the objection in such cases to giving the tenant the same power to call upon his landlord, before the rent was raised, to purchase the tenant right? This he mentioned in order to show that there were other ways of carrying out the recommendation of the Richmond Commission besides the way proposed by the Bill. Again, the right hon. Gentleman had dwelt at some length upon the subject of perpetuity of tenure, and knowing, probably, that "conscience doth make cowards of us all," said "that he did not care what quotations the hon. Member for Mid Lincolnshire made from his speeches delivered in 1870." He was sorry that the right hon. Gentleman was not present, as he believed he was in a position to convince him by his own words that perpetuity of tenure was in the Bill. What did the right hon. Gentleman say as to perpetuity of tenure? He said—

"My proposition is that if you value the rents you may as well, for every available purpose, adopt perpetuity of tenure at once. It is perpetuity of tenure, only in a certain disguise. It is the first link in the chain; but it draws after it the last."—[3 *Hansard*, cxcix. 1846.]

Well, the right hon. Gentleman had argued at great length, in 1870, against perpetuity of tenure; and what was the description of the scheme against which his arguments were directed? He would give the right hon. Gentleman's description of it, and leave it to the Committee to say whether his speech delivered that day was consistent with that which he delivered 11 years ago. The right hon. Gentleman said—

"As I understand it, the scheme itself amounts to this—that each and every occupier, as long as he pays the rent that he is now paying, or else some rent to be fixed by a public tribunal charged with the duty of valuation, is to be secured, for himself and his heirs, in the occupation of the land that he holds, without limit of time."—[*Ibid.* 351.]

There was, at that moment, on the Treasury Bench the Chief Secretary to the Lord Lieutenant of Ireland and the Chancellor of the Duchy of Lancaster. Had either of those right hon. Gentlemen the manliness, courage, or candour to get up and state to the Committee in what respect the scheme denounced by the Prime Minister differed from that which was

now proposed; and why did the right hon. Gentleman object to perpetuity of tenure? He objected to it because of its effects—its malevolent effects, as they might be called. The words of the right hon. Gentleman were—

"As I understand it, the scheme itself amounts to this—that each and every occupier, as long as he pays the rent that he is now paying, or else some rent to be fixed by a public tribunal charged with the duty of valuation, is to be secured, for himself and his heirs, in the occupation of the lands that he holds, without limit of time. He will be subject only to this condition—somewhat in the nature of the Tithe Commutation Act—that with a variation in the value of produce the rent may vary; but it will be slightly, and at somewhat distant periods. The effect of that provision will be that the landlord will become a pensioner and rent-charger upon what is now his own estate. The Legislature has, no doubt, the perfect right to reduce him to that condition, giving him proper compensation for any loss he may sustain in money."—[*Ibid.*]

What distinction was there, he asked, between the two cases—that denounced in 1870, and that advocated in 1881 by the Prime Minister—which justified him in refusing compensation to the landlord to-day, seeing that he had said in 1870 that the landlord ought in justice to receive compensation? Under this Bill every tenant might apply to the Court to fix a judicial rent; when that was fixed, it became subject to a statutory term of 15 years, and the tenant might apply from time to time for the renewal of that statutory term; and the sole limitation upon it was that, by the 10th section of the 7th clause, no renewal could take place until the end of the first statutory term, and that the rent could not be altered at a less interval than 15 years. However much the Prime Minister might choose to play on the words, the real effect of the Bill was that it gave the tenant optional perpetuity of tenure—a perpetual lease with the option of a break at the end of 15 years, but with regard to which no option whatever was given to the landlord. If that were true—and he defied any hon. Member opposite to contradict his description—what were they to think of the speech delivered that day by the Prime Minister, and of the consistency of his Colleagues? He had never withheld or concealed his opinion of the Bill. He believed it to be a bad Bill, an unjust Bill, and a confiscatory Bill from beginning to end. But there was something worse which

he had seen in the course of those discussions, and it was the levity with which expressions of opinion on the part of the Prime Minister of England, not on matters of fact or circumstance, but expressions of opinion on the great principles of morality and justice, were brushed aside by the transparent special pleading they had heard, and dismissed apparently without a thought or feeling of compunction, and in a manner which he could not but feel would be fatal to the public life of England, when the people of this country reflected on the character for consistency of their foremost public men.

MR. W. E. FORSTER observed, that the charge just made by the hon. Member (Mr. Chaplin), that his right hon. Friend at the head of the Government was capable of treating that or any other important subject with levity, was one which would be regarded with surprise by all who heard it.

MR. CHAPLIN said, he was sure the right hon. Gentleman did not wish to misrepresent him. He had made no charge against the Prime Minister of having treated this question with levity. What he said was that the right hon. Gentleman brushed aside, without, apparently, the smallest thought or feeling, all allusions to his statements in former years, with regard to which he (Mr. Chaplin) had charged him with inconsistency.

MR. W. E. FORSTER said, he distinctly heard the expression "levity of opinion of the Prime Minister." He was very much struck by it at the time.

MR. CHAPLIN: I said nothing of the kind. I alluded to the levity with which the right hon. Gentleman treated allusions to his past statements. I used the word "levity" deliberately, and I adhere to it now.

MR. W. E. FORSTER said, he was quite content to accept the hon. Member's explanation, although he thought it would not carry conviction to the country. He was not, however, going to take up the time of the Committee on that subject. He would not say that the hon. Member would not have used the same words if his right hon. Friend had been present; but when he charged Members of the Government with want of courage and manliness in not answering his charges, he had to remind

him that his right hon. Friend had over and over again done so. He was willing to leave the defence of his right hon. Friend to what he had said that day, and to what the House, the Committee, and the country would think of what his right hon. Friend had advanced. The hon. Gentleman had dwelt, as he had dwelt before, on the fact that his right hon. Friend had expected better results from the Bill of 1870 than it had produced; and he congratulated the hon. Member on the industry with which he had read the speeches of his right hon. Friend. But it was too late then to bring forward those speeches, as both on the second reading of the Bill and in Committee they had been repeatedly explained. They had now to consider a very important matter—namely, whether they would accept the clause; whether, in fact, they would accept the Bill, for without the clause the Bill would never have been brought in by the Government. He might, in passing, refer to the inconsistency of the hon. Gentleman in signing the Richmond Report. If the hon. Gentleman thought he had acted consistently, let him, by all means, remain of that opinion. He (Mr. Forster) would only refer him to the speech of the hon. Member who had given Notice of moving the rejection of the clause (Mr. A. J. Balfour), because it conveyed to the Committee that the impression of the hon. Member's inconsistency was not an unnatural one. But they had got more or less into a second reading debate. He did not complain of that, because that clause, the 7th, was the most important clause of the Bill. Its principles had been challenged on the second reading, and fully discussed. Nobody supposed on either side of the House that the Government would, as a matter of choice, have created a tribunal for the fixing of rent; but the majority of the House had recorded their belief that, in the present circumstances of Ireland, they must create such a tribunal. And he asked hon. Members opposite, if they were in power and administering the affairs of Ireland, would they leave matters as they now were? Almost every person who had studied the question felt that, in the present exceptional circumstances of Ireland, they were bound to have an outside tribunal to fix the amount of fair rents. Several hon. Members had tried

to frighten the Committee by drawing fancy pictures of the view both landlords and tenants would take of the Court. But in a very short time after they had begun to have any experience of the working of the Act both landlords and tenants would get a pretty close idea of what the decision of the Court was likely to be in any particular event, and they would settle the rents for themselves, and so avoid the trouble and expense of going to the Court. He could assure the hon. Member for Mid Lincolnshire that if he would make inquiries in any part of Ireland, alike of landlords and tenants, he would find that no such feeling existed with regard to the Court as that with which he credited them. So far from that being the case, they looked forward to the establishment of the Court as their hope and resource, in order to enable them to get out of their present difficulties. If the hon. Member for Hertford were to be successful in getting the clause struck out of the Bill, it would be a matter of great disappointment, he might even say of dismay, to the receivers of rent, as much as to the payers of rent. He did not mean to say that the working of the Court would not be attended with inconveniences and difficulties; but he maintained that these would not be so great as the inconveniences and difficulties which they would remove. He doubted whether they could continue to use the power of the law in the landlord's interest, in order to compel the fulfilment of a contract, when they knew that the tenants had not been by any means as free to contract as they ought to be, and as free as tenants were in other countries. The hon. Member objected to the proposal of the Government on the ground that it would give perpetual tenure to the tenant. The Government did not so regard it; and he could not see how it could be so regarded by anyone in view of the fact that it gave to the landlord power to resume possession of his estate at the end of 15 years. They did not for a moment deny—indeed, it was their pride and boast—that though the Bill did not enact perpetual tenure, it would give great stability and security of tenure, and unless it did so the Bill would not be worth the paper on which it was drafted. He did not think that any measure short of that which the Government had introduced

would, in the present strained state of relations between landlords and tenants in Ireland, have done any real good to either party. He could not complain that the hon. Member for Mid Lincolnshire had taken another opportunity of referring to the speeches of the Premier and explaining away his own Report. There were, however, no points in regard to the clause on which hon. Members had not had ample opportunity of forming, and probably had formed, an opinion; and he, therefore, hoped the Committee would go to a division without further delay.

SIR STAFFORD NORTHCOTE: It may be perfectly true, Sir, as the right hon. Gentleman says, that there are no points which can very well be raised with regard to this Bill upon which hon. Members have not probably formed their opinions; but I will endeavour, in a few words, to show why I think, at the present moment, on the passing of the 7th clause, it is important that we should put on record the impression made upon us by the manner in which the clause has been handled since it went into Committee. It is not my intention to throw myself into the controversy which has been raised with regard to the consistency of the Prime Minister; but, at the same time, I would point out that I think it ought to be borne in mind, when references are made to the previous opinions of the Prime Minister, they are made in these circumstances. Ten or 11 years ago the right hon. Gentleman, after great care and study of the question, brought forward a scheme for dealing with the land system of Ireland. In so doing, he discussed at great length, and with very great ability, several leading and fundamental questions connected with the tenure of land. He laid down certain principles, and argued them out with great ability, thought, and clearness. We are now brought face to face with a measure, also introduced by him, in which we find a considerable number of the principles adopted by him in former times set aside, and we complain that no sufficient reason has been given, either by the Prime Minister or any of his Colleagues, why those views are now set aside. Therefore, while I do not think my hon. Friend the Member for Mid Lincolnshire (Mr. Chaplin) ought to be rebuked for the course he has

taken, I think we should not be wise to spend much time upon this question. What we have to consider is the 7th clause, which has been truly said to be the most important part of the Bill, and concerning which I will say that, as originally drawn, it was very different in character from the clause as we are now asked to pass it. It began, in the first instance, by providing that the tenant should have the power of demanding a fair rental to be fixed by the Court, and it went on to define the manner in which the Court were to arrive at what a fair rent would be. The clause, as it originally stood, contained rather minute and complicated directions to the Court—namely, that, in settling what the fair rent would be, they were to take into account what was called the “tenant’s interest,” and the manner of calculating this was set out at full length in the clause. On looking at that part of the clause I was of opinion that the manner in which it was proposed to calculate the tenant’s interest was unfair, in that it would not only have given to the tenant that which I believe he had no right to claim, but also more than had been claimed for him, especially in recent years, by as great a friend of the tenant as the late Mr. Butt. It was my intention to challenge the definition given as to the manner in which the tenant’s interest was to be arrived at, and, if possible, to make the definition correspond more precisely with that which would meet, as I believed, the fair justice of the case. But before we reached the discussion of that part of the Bill, the Government changed their view and struck out those minute directions intended for the guidance of the Court, and which I intended to oppose, and in place of them proposed that it should be left to the Court, with due regard to the circumstances of the case, holding, and district, to fix what was to be the fair rent. If the matters had been so left, I think it might have been satisfactory, because we could then have concentrated our attention on the construction and constitution of the Court and the powers which ought to be given to it. And, as I have said, the clause in its amended form would have been one which we might have been content to allow to pass unchallenged, in order to concentrate our attention on the Court, to whose power

of discernment the question of the fair rent was to be intrusted. But, Sir, in the course of the discussion an alteration was made, not by the Government, but on the suggestion of the hon. and learned Member for Dundalk (Mr. Charles Russell), who took an active part in the discussion and with very great ability. The hon. and learned Member for Dundalk introduced some words which I think may lead to some difficulties hereafter—I mean the words “having regard to the interests of the landlord and tenant respectively.” These sound very harmless words; but I think that, to a certain extent, they are words which may be held to imply that very direction to the Court which it was our object to do away with. [*Cheers from the Home Rule Members.*] The cheers from that part of the House rather confirm me in my opinion, and render it all the more important that we should bear in mind what the possible effect of the words of the hon. and learned Gentleman was, and what effect they may have on our future proceedings. Our view has been that it is necessary, and I am far from saying that, in my own view, it may not be necessary, to make, as a temporary arrangement, under the peculiar circumstances of Ireland, provisions for fixing the rent. If it is necessary, then I think it should be made without letting in a principle which is of such a character that I do not think the Committee ought to accept it. It is a principle which has been recognized almost accidentally, and without the knowledge even of the authors of the Act of 1870—certainly without the knowledge of a large portion of Parliament who accepted and passed that Act, and it is a principle which not only recognizes the right of the tenant, but largely extends it. When we say that the right was not only recognized, but intended to be stereotyped by the clause relating to compensation for disturbance, we certainly did feel that the proposal was one which must necessarily challenge a great deal of criticism on our part. Then there is the other point to which reference has been made, and upon which I will not delay the Committee now—the question of perpetuity, or fixity, or durability, or whatever else it may be called. Undoubtedly, the effect of these clauses is to give something very much beyond the mere rent

[*Twentieth Night.*]

for a statutory term of 15 years. The effect is to give a power of renewal, and a power of renewal which may, subject to a few exceptions, be exercised over and over again for all time, and which I think can hardly be distinguished from what may be called perpetuity of tenure. Exceptions they are, but they prove the rule and go beyond the necessity which we recognize in the case; and, under these circumstances, it becomes our duty to express our opinion by dividing against the clause. I think that is necessary, for this reason—if we did not divide against the clause in its present shape, we should always be told in future discussions on other parts of the Bill—"Oh, but that was included in the 7th clause, which, after a great deal of discussion and a great deal of amendment, was accepted by the Committee without a division." Therefore, I am not prepared to accept it without a division. While I recognize in the Bill some things which are not bad, I recognize also in it some things which I think we are bound to protest against; and, therefore, it is my intention to advise my hon. Friends to join me in dividing against the clause.

MR. SHAW said, the hon. Member who introduced the Amendment (Mr. Chaplin) had made a reference to the Besborough Commission which he (Mr. Shaw) considered most unfair. Indeed, it was not the first time that unfair references had been made to that Commission, and he thought it would be much better if hon. and right hon. Gentlemen would give Notice of a Motion in regard to that Commission. There might have been a dozen witnesses who gave their evidence very absurdly; but he was quite prepared to defend the recommendations of the Commission and the conclusions to which they arrived. The hon. Gentleman also referred to a debate which had taken place in "another place." Until that day he (Mr. Shaw) had not read the speech of the Duke of Argyll. He had been more pleasantly occupied in taking a few days' holiday; but he had not the slightest hesitation in saying that a more incorrect and a more unfair speech he had never read. [*Cries of "Order!"*]

THE CHAIRMAN: The hon. Member is at present referring to a debate in the other House, and he is not in Order in so doing.

*Sir Stafford Northcote*

Mr. SHAW thought he might be allowed to refer to the debate in question, seeing that the Chairman had not interposed when it was referred to by a previous speaker.

THE CHAIRMAN: I did not hear the reference, or I would have stopped it at once.

Mr. T. P. O'CONNOR asked if it was not a fact that a noble Lord in "another place" referred to a speech made in the House of Commons this Session by the Prime Minister?

THE CHAIRMAN: I have no knowledge whatever of what has taken place in "another place."

Mr. BIGGAR said, he wished to ask a question on a point of Order.

THE CHAIRMAN: The point of Order is already settled.

Mr. BIGGAR said, he wished to ask a question on another point of Order. Of course, it was perfectly clear that any Member of that House would not be justified in referring to what had been said by a Peer in "another place;" but would he not be justified in referring to a published report of that Peer's speech which had appeared in the newspapers?

Mr. SHAW, continuing, said, he had been asked by a friend whether he did not intend to reply to that speech, and his answer was that he could not very well, in the present hot weather, answer it by a letter in *The Times*. It was only a Scotchman who was able to do that. However, he had expressed his willingness to answer the speech at any time in the place in which it was made. [*Cries of "Oh!"*] He did not mean what hon. Members seemed to think he meant. He hoped that Providence would preserve him from acquiring a right to speak in that House; and what he meant was, that he was ready at any time to appear at the Bar of the House of Lords and answer the speech, and he had no doubt that Baron Dowse would also be quite ready to appear there. [*Cries of "Order!"*] He really did not think he was out of Order; but he would address himself now to the clause under discussion. He regarded it as containing what he understood to be a real and perfect security for the present tenant, and for the present tenant alone. As such the Irish Members had always regarded it; not as giving security in perpetuity, but as

giving security to the present tenants. If the right hon. Gentleman the Prime Minister were now to withdraw the clause, he (Mr. Shaw) was sure the Irish Members would entirely dissociate themselves from the Bill, and cast upon the hon. and right hon. Gentlemen who threw out the clause the responsibility of passing the measure. He considered it absolutely essential that on every change of tenancy the tenant right and the improvement rights of the tenant should be purchased, and he understood that to be the recommendation of the hon. Member for Mid Lincolnshire.

MR. CHAPLIN said, he had not stated that he recommended that as the right plan to adopt; but he had mentioned it to show that the recommendation of the Commission was not inconsistent with the possibility of doing it.

MR. SHAW said, he could not understand why the hon. Member should propound a plan of this kind without being prepared to give the Court power to carry it out. He understood that the hon. Member propounded it as a great political scheme; but it was a plan that would work absolute and entire ruin to the landlords.

MR. CHAPLIN: Will the hon. Gentleman explain why?

THE CHAIRMAN: If the hon. Member for Mid Lincolnshire desires to make an explanation he will have an opportunity of doing so after the speech of the hon. Member for Cork (Mr. Shaw) is concluded.

MR. SHAW, continuing, said, it had been suggested that he should move an Amendment to the clause; but he believed that the clause as it stood was sufficient to protect all the interests concerned. It was absurd to suppose that any valuer in Ireland, being required to enter into the whole question of the interest of the tenant and of the landlord, would not take everything into consideration.

Question put.

The Committee divided:—Ayes 289; Noes 157: Majority 132.—(Div. List, No. 291.)

Clause 8 (Equities to be administered by Court between landlord and tenant).

MR. BIGGAR said, that as his hon. and learned Friend the Member for the County of Roscommon (Dr. Commins) was not present, he would move formally

the Amendment which stood in the name of his hon. Friend, in order to give the right hon. and learned Gentleman the Attorney General for Ireland an opportunity of deciding whether the substitution of "inequitable" and "inequitably" for the words "unreasonable" and "unreasonably" would make any difference in the view of the right hon. and learned Gentleman. As a non-legal Member, he (Mr. Biggar) could see no difference; but, on the other hand, there might be a difference in the legal mind. If there should prove to be a material difference he would not press the Amendment. He begged to move, in line 31, to leave out the words "unreasonable" and "unreasonably," and substitute for them the words "inequitable" and "inequitably."

Amendment proposed,

In page 8, line 31, to leave out the word "unreasonable," in order to substitute the word "inequitable."—(Mr. Biggar.)

Question proposed, "That the word 'unreasonable' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he must decline to accept the Amendment. If the landlord demanded too high a rent, it would come under the word "unreasonable," as the Court would have to decide whether the demand was unreasonable or not. The insertion of the word "inequitable" would not be any improvement.

MR. BIGGAR said, that after that explanation he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. GIBSON moved, as an Amendment, in line 34, after "same," to insert "or postpone the same." It would be grossly unjust to the landlord who had originally placed a farm in the hands of a tenant in a thoroughly good condition to give power to the Court to accede to the tenant's application, and declare the landlord's conduct unreasonable so long as the farm continued in a bad condition. He wished to have these words inserted in the clause in order to indicate to the Court that it should have power to say to the tenant—"I will not give any decision yet as to rent, owing to the scandalous condition into which you have allowed the holding to run; but if you will come back to me

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in two or three years' time, I will then consider your application, and, in the meantime, you must put the farm into good heart and condition." The Court in such a case would be able to say—"I do not dismiss your application absolutely; but I postpone the consideration of it for two, two and a-half, or three years, and at the end of that period you may come back, and I will then see what the condition of the farm is." The tenant might receive the farm in a perfectly good condition, and might by the worst conceivable husbandry reduce it to the worst possible condition, in which it might be worth only 2*s.* 6*d.* an acre. The words he proposed to insert in the clause were "or postpone the same," subject to certain terms; and the terms he assumed would be that the tenant should put the holding into something like a reasonable tenantable condition. The Court would always have an opportunity of seeing whether the tenant had *bond fide* carried out the terms and conditions of the clause.

Amendment proposed, in page 8, line 34, after "same," insert "or postpone the same."—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (*Mr. Law*) said, he did not like to refuse anything proposed to him by his right hon. and learned Friend; but he did not see that it was desirable to accept the proposal now made, which was altogether unnecessary. When a man entered upon a farm, he ought to be wise enough to keep his farm in the highest possible state of cultivation, so that he might realize the highest possible sum from it. If a tenant who had allowed his farm to run out of condition applied to the Court, the Court would at once be able, under that 8th clause, to deal with it at its discretion. It might consider whether the tenant had done anything that was unreasonable, and might thereupon refuse the application. But there was nothing to prevent the Court from entertaining the application again at the end of two or three years. The clause, as it stood, would enable the Court either to grant the application, or to refuse it until the tenant had restored the holding to a satisfactory condition. When the farm had been placed in a tenantable condition, there was nothing

to prevent the tenant from making an application again; and if the application was a proper one, it would, no doubt, be heard.

Mr. BIGGAR failed to see that any advantage would be derived from the adoption of the Amendment of the right hon. and learned Member for the University of Dublin (*Mr. Gibson*). The Court would have power to take into consideration the rent that was substantially paid, and in a case where the holding had been very much impoverished and allowed to run into a very bad condition the interest of the tenant would be exceedingly small. The case put by the right hon. and learned Gentleman, where a tenant had allowed a farm worth 30*s.* an acre to become so impoverished that it was only worth 2*s.* 6*d.* an acre, was a very extreme one; and the Court had ample power, as the clause now stood, to deal with such a case.

Question put, and *negatived*.

Mr. GIVAN said, he proposed to move the omission of the last paragraph of the clause, which provided that—

"The Court in considering whether the landlord or tenant has unreasonably refused any proposal made by the other, may take into account any proposal that may have been made of the grant by the landlord to the tenant of such a lease as is hereafter in this Act referred to as a judicial lease; but the conduct of the tenant in refusing the grant of any such lease shall not be deemed unreasonable unless the Court is satisfied that the interest of the tenant, having regard to the value of his tenancy, would have been sufficiently secured by such lease."

The object of that part of the clause was to protect the tenant from any undue force the landlord might bring to bear upon the tenant to compel him to accept a judicial lease, and then from setting up such lease in opposition to the tenant's claim. The clause, in the first paragraph, provided that—

"Where the Court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable, or that the one has unreasonably refused any proposal made by the other,"

the Court might do certain things specified in the second paragraph of the clause, and which were to be a direction to the Court in regard to the matters that were reasonably left to its discretion. The words, as they stood in the first part of the clause, were, he thought,

*Mr. Gibson*

quite sufficient, and it was not expedient to drag into the clause the offer of a judicial lease to the tenant for the purpose of enabling the landlord to go before the Court with what he might consider to be a reasonable offer in satisfaction of the claims of the tenant. At the present moment, he proposed to move the omission of the third paragraph of the clause.

Amendment proposed, in page 8, line 38, to leave out from the word "justice" to end of Clause.—(*Mr. Givan.*)

Question proposed, "That the words proposed to left out stand part of the Clause."

LORD RANDOLPH CHURCHILL hoped that the Government would adhere to the clause as it stood. The provision which the hon. Member proposed to strike out was only an invitation to the landlord and tenant to settle their differences out of Court. The paragraph itself simply enabled the landlord to draw the attention of the Court formally to the lease which the Government proposed to call a judicial lease; otherwise the Court might not have regard to the perfectly equitable and fair terms of the lease. It was open to the tenant to refuse it if he thought it would bind him too much; but, on the other hand, if he did accept it, the landlord ought to be able to take advantage of it.

MR. CHARLES RUSSELL said, he did not attach very much importance either one way or the other to the Amendment. As to the paragraph of the clause against which the Amendment was directed, he did not think it improved the first part of the section, which might be described as the general equity section. The first part of it was sufficiently comprehensive in its general terms to give the Court power to deal with all applications by the landlord or tenant; and he did not think it good drafting, after having laid down general principles, to proceed to point out particular cases.

MR. SYNAN thought the tenant was protected by the words at the end of the sub-section—

"But the conduct of the tenant in refusing the grant of any such lease shall not be deemed unreasonable unless the Court is satisfied that the interest of the tenant, having regard to the value of his tenancy, would have been sufficiently secured by such lease."

In fact, the lease was not forced by the landlord on the tenant; but it was a lease accepted by the Court on behalf of the tenant, and approved by the Court on behalf of the tenant. It therefore stood upon entirely different lines from the clause of the Act of 1870, which provided that a 31 years' lease should take the tenant out of the Act. This clause did not take the tenant out of the provisions of the Bill; but it left it directed that a lease, when accepted by the tenant and approved by the Court, should be binding upon the landlord. If the Court said that the refusal of the tenant was not unreasonable, that would be a sufficient protection for the tenant.

MR. LITTON said, he was of opinion that it would be undesirable to allow the Court to say that the offer of a judicial lease was to be a receipt in full to the tenant for all claims under the Act. He did not suppose that a single tenant out of a lunatic asylum would dream of accepting a lease of 31 years in lieu of the benefits conferred by the Act. Now, what were the benefits of the Act? The right of getting a perpetual renewal of a term of 15 years, so long as the tenant thought proper to go to the Court and prove that he had observed the conditions of a statutory tenancy. What, then, could be the object of placing the Court—recollecting that the Court would probably be the County Court Judges in Ireland, who, whatever their abilities were, had their feelings—would it be wise or just to place upon them the invidious duty of determining that a lease of 31 years offered to the tenant was a lease that ought to be accepted by the tenant? It was quite true that the words were "thirty-one years or upwards;" and it might be contended that the County Court Judge, before he refused the application, might say that unless it was a 41, or a 51, or a 61 years' lease, he would not consider it reasonable. Under all the circumstances, he apprehended that it would be a great improvement to the Bill if these words were struck out, as was proposed by his hon. Friend the Member for the County of Monaghan (*Mr. Givan*). They were quite unnecessary for the general purposes of equity; and, under the first part of the clause, the matter might very well be left to the discretion of the Court.

MR. LALOR wished to remind the Committee and the Government that

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many of the evils which afflicted Ireland at the present moment had arisen out of the power given by the Land Act of 1870 to force judicial leases upon the tenants. Much bitterness of feeling and heartburning had originated from that practice. He said that the leases had been forced upon tenants. They had never been more forced upon them than now. It might be said that the tenants were open to refuse them; but if they had refused them they knew what the inevitable consequence would be. He was satisfied that no man in Ireland would accept one of these judicial leases in lieu of his rights under the present Bill.

MR. GLADSTONE: Two distinct questions have been raised in the course of the observations of hon. Members who have taken part in the discussion. The hon. and learned Member for Dundalk (Mr. Charles Russell) did, however, place the matter suggested by the Amendment on its proper ground. The suggestion is this—the two first paragraphs of the clause are quite ample to cover any judgment the Court may form as to the offer of a judicial lease. Now, I think it is not expedient to argue, on the present occasion, the question whether these leases are desirable, or, if they are desirable, what should be their precise terms. The Committee will have to consider that question under the 9th clause, and they will have not only to consider the whole of the terms of the leases, but to give their judgment upon the 9th clause itself. Therefore, I would respectfully suggest that we would do well to postpone that subject entirely, and confine ourselves now to the narrow question whether it is expedient for the purposes of the Bill that after investing the Court with general power to consider and determine and draw its own conclusions upon every question of a reasonable offer between the parties we should proceed to point out one particular kind of reasonable or unreasonable contracts. I am bound to say that I think we should do much more wisely to trust to the general powers contained in the first part of the clause. No doubt, under the general powers conferred by the clause, it will be in the competency of the Court to deal with the question of unreasonable contracts; and the refusal to entertain the offer of a lease would, under the

first part of the clause, undoubtedly come within the jurisdiction of the Court. The closing words of the first paragraph in line 31 are—

“Or that the one has unreasonably refused any proposal made by the other the Court may do as follows.”

Then the clause goes on to say what the Court may do, and the alternative is that—

“It may refuse to accede to the application, or that it may accede to the application subject to conditions.”

Under these circumstances, I think it will probably be better to drop the third paragraph, especially as the matter may be considered better on the 9th clause, which contemplates the duration and consequences of judicial leases upon the settlement of the whole condition of the tenancy, whereas this clause does not contemplate such matters, but only the settlement of the amount of rent.

LORD RANDOLPH CHURCHILL thought the Government had acted very unwisely in giving up this section. Judicial leases were the particular invention of the Prime Minister himself. He recollected quite well the speech made by the right hon. Gentleman in introducing the Bill. The right hon. Gentleman said, in effect—“We recognize that there are good landlords in Ireland, and we wish to make a distinction between them and bad landlords, and to keep them, if possible, out of Court by permitting them to make arrangements with their tenants. We wish to give them an opportunity of continuing to their tenants, for some considerable time, the benefits the tenants now enjoy under them; and, therefore, the tenants who enjoy judicial leases will not come under the clause.” The offer of a judicial lease was to be considered by the Court as a reasonable offer, not to be refused by the tenant; but the right hon. Gentleman now proposed to leave the Court to say that the tenant might be free to refuse it or not. As the clause originally stood the tenant could not refuse a judicial lease, as long as it preserved the fair interests of the tenant. He thought the concession of the Government was really a very important one; and he deprecated the readiness which they displayed in abandoning their proposals in order to meet the views of the extreme Party.

*Mr. Lalor*

LORD JOHN MANNERS regretted that the right hon. Gentleman the Prime Minister had not, on other occasions, displayed the same readiness to make concessions which he had manifested now. He (Lord John Manners) also entertained an objection to the mode in which it was proposed to deal with judicial leases; and if the 3rd section of the present clause had been allowed to remain in it, it would have been his duty to move the insertion of the larger and more liberal words which appeared in the 18th section of the Act of 1870. The Act of 1870 was not to be displaced from the Statute Book; and as they had heard nothing in condemnation of the operation of the 18th section, he thought, if the words of the present clause were to be changed at all, it was expedient that the Amendment should be in the direction of adopting the phraseology of the 18th section of the Act of 1870. Therefore, if the section had been retained he should certainly have felt it necessary to move the Amendment which stood in his name.

MR. WARTON wished to put a question to the Prime Minister. The right hon. Gentleman, if he understood him rightly, seemed to be abandoning the third paragraph of the 8th clause of the Bill on the ground that judicial leases were not worth having. He wished, therefore, to know whether it was also the intention of the right hon. Gentleman to abandon the 9th section?

Question put, and *negatived*.

Words *struck out* accordingly.

MR. WARTON said, that nothing in the conduct of the Bill had struck him with more surprise than the observations of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) upon the meaning of the word "unreasonable." He did not dispute that there might have been cases since the passing of the Act of 1870 which the Court might fairly hold to be unreasonable; but if they were to make the Bill understood and effective they ought not to leave out of consideration the important question of the deterioration of the holding. As the clause was at present drawn, the only questions the Court could really consider were questions relating to that which happened at the time the landlord and tenant came into Court, or nearly about that time;

and, in reality, they did not go back far enough into the history of the conduct of the parties, and especially into the important question whether the tenant had or had not deteriorated the condition of the soil. In passing, he wished to put a question to the right hon. and learned Gentleman upon a point which had agitated his mind very considerably, in regard to the provisions of the 4th clause. Long as it was since the Committee disposed of that clause, some of them would remember that, in the 4th section, a number of conditions were defined which were called "statutory conditions." At first it was thought that a breach of these conditions would lead to the loss of the holding and to the re-entry of the landlord. It was now found that, nevertheless, the tenant was to be compensated by damages. He wished to know whether, in the event of the tenant breaking any of the statutory conditions, such, for instance, as breaking up the farm and sub-dividing it, that was a question which was to come up for the consideration of the Court, because the words of the clause, as they stood, were—"Or that the one has unreasonably refused any proposal made by the other, the Court may do"—certain things. All the statutable conditions made by the 4th clause were interfered with by the present clause; and he was, therefore, anxious to move the Amendment which stood on the Paper in his name.

Amendment proposed,

In page 9, line 4, at the end of the Clause to add—"Provided always, That in considering the question whether the conduct of the tenant has or has not been unreasonable, the Court may take into consideration whether the tenant of the holding in which such tenancy subsists, or his predecessors in title, has or have caused or suffered such holding to become and be then deteriorated contrary to the express or implied conditions constituting the contract of tenancy."—(Mr. Warton.)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) hoped the hon. and learned Gentleman would accept the same answer as that which he had given to his right hon. and learned Friend opposite (Mr. Gibson). The word "unreasonable," which was already in the Bill, would include waste, and all the deterioration which the hon.

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and learned Gentleman wished to guard against was already provided for by the Bill.

Mr. WARTON intimated that, after the clear statement made by the right hon. and learned Gentleman, he was satisfied, and would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*; and ordered to stand part of the Bill.

### PART III.

#### EXCLUSION OF ACT BY AGREEMENT.

##### *Judicial Leases.*

Clause 9 (Lease approved by Court during its continuance to exclude provisions of the Act).

MR. LITTON moved, as an Amendment, to leave out "thirty," and insert "sixty." He thought that 30 years were too short a term, and that 60 or 61 years would be much better. He was, however, unwilling to press the Amendment, unless he had reason to believe that it would be favourably received by the Committee. He should, therefore, ask the Chairman to put the Amendment.

Amendment proposed, in page 9, line 12, to leave out "thirty" and insert "sixty."—(*Mr. Litton*.)

Question proposed, "That the word 'thirty' stand part of the Clause."

MR. GLADSTONE: As the hour for reporting Progress has nearly arrived, it is hardly worth while to call upon the Committee to discuss the Amendment, which is of some importance, now. I will, therefore, move that the Chairman report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Gladstone*),—put, and *agreed to*.

Committee report Progress; to sit again *this day*.

And it being now ten minutes to Seven of the clock the House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

*The Attorney General for Ireland*

#### LAND LAW (IRELAND) BILL.

Progress resumed.

Amendment again proposed, in page 9, line 12, to leave out the word "thirty," and insert "sixty."—(*Mr. Litton*.)

Question proposed, "That the word 'thirty' stand part of the Clause."

MR. LITTON explained, that he proposed the Amendment with a view to ascertaining the views of the Government upon the subject. It appeared to him that it would be a very great advantage, where an equivalent was to be offered to the tenants, that a real equivalent should be offered, and not simply 30 years, which appeared to him to be totally inadequate. He did not wish to press the Amendment, if the Government did not see their way to accept it; because he thought the necessity was somewhat removed by reason of the Amendment made on the latter portion of the prior clause. If the right hon. and learned Gentleman the Attorney General for Ireland was able to state to the Committee that he preferred to keep the term "thirty years" in the clause, he (*Mr. Litton*) would withdraw the Amendment.

MR. BIGGAR said, he did not know what the intention of the Government was as to this particular Amendment. Under the clause, as it at present stood with 31 years, the tenant, instead of being entitled to a renewal from time to time at the end of 15 years, would, at the end of 31 years, become a future tenant. That was an objectionable provision, because a landlord might bring pressure to bear on the tenant, and threaten that if he did not agree to his terms he would take him into the Court and put him to expensive litigation. Although provisions of leases heretofore had not been always insisted upon by the landlords, it had been customary to put in leases conditions which would be thoroughly unreasonable if acted upon, and would deprive the tenant of his rights. Nothing could be more natural than that a landlord should say that the provision was the same as leases which had been signed from time to time; and thus the tenant of a large property might be induced to accept leases entirely taking away his rights.

MR. W. E. FORSTER said, the Committee must remember that the position

of the tenant would be very different after this Bill became law from his position hitherto, and the power of the landlord to force the tenant, or to bring pressure to bear upon him, in order to take away a lease, would be very much diminished; because, by this clause, the Bill would enable a tenant, under pressure or threat, to apply to the Court in cases where there was a judicial rent to resist more or less the powers of the landlord. Everything which would apply to the Act of 1870 would not apply now; the landlord would not be able to force upon the tenant a lease as he could under the Act of 1870, and the arrangement would not in future be one-sided. It was not absolutely to the advantage of a tenant to have a long lease; on the contrary, it might in many cases be an advantage to have a shorter lease; therefore, he thought the proposed Amendment was not desirable. If they were to look forward to the judicial lease at all, they must take care not to make the tenancy so large as to take away the landlord's interest. Both sides ought to be considered.

CAPTAIN AYLMER was glad the Government did not support the Amendment. He would remind the hon. and learned Member for Tyrone (Mr. Litton) of the necessity of not making more absentee landlords, and that, he feared, would be the result of the Amendment.

MR. LITTON asked permission to withdraw the Amendment.

MR. BIGGAR objected to the Amendment being withdrawn, observing that Irishmen had not derived any advantage in past times, and did not expect to do so in times to come, as to leases. It was perfectly well known that since 1870 landlords had been constantly urging their tenants to agree to leases. If a tenant was to be entitled to appeal to the Court with regard to leases, he had better not have the powers proposed as to leases at all; for if he were a free agent he could please himself whether he agreed to a lease or not, whereas under the Bill the lease must be subject to the whim of the Judge.

MR. LALOR hoped the Government would accept the Amendment.

Amendment, by leave, *withdrawn*.

CAPTAIN AYLMER said, he rose to propose an Amendment on behalf of the hon. Member for Oxfordshire (Mr. Har-

court). The clause, as it stood, provided that the landlord and tenant might agree to a lease mutually made, "if sanctioned by the Court, after considering the interest of the tenant and the value of his tenancy." His hon. Friend, however, proposed to insert, instead of "the interest of the tenant," the words "rights and interests of the landlord and tenant respectively." He had not the slightest doubt that the Government in introducing this Bill desired to do justice to all parties, and he, therefore, felt sure they would agree to the Amendment.

Amendment proposed,

In page 9, lines 15 and 16, to leave out "interest of the tenant and the value of his tenancy," in order to insert "rights and interests of the landlord and tenant respectively."

Question proposed, "That the words 'interest of the tenant and the value of his tenancy' stand part of the Clause."

MR. WARTON agreed with the object of the Amendment, but objected to the words "rights and interests of the landlord and tenant respectively;" because that might imply that the landlord only had rights and the tenant interests. He suggested the words should be "rights and interests both of the landlord and the tenant."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) regretted that he could not accept the Amendment. He explained that a judicial lease was not a lease which the landlord of his own mere motion was to have the power of granting to a tenant. The Court was brought in not to look after the interest of the landlord—who was perfectly well able to take care of himself—but to protect the tenant, and it was with that view that the Court was to be empowered to sanction a lease.

MR. PLUNKET said, he understood that the object of this clause was to carry on in this Bill the policy which was introduced into the Act of 1870—namely, the system of leases, which exempted a landlord from the provisions of that Act. The object of the clause, as he understood it, was to introduce a similar provision; but the intervention of the Court was to be permitted. He did not wish to insist on the language of the Amendment; but he desired the right hon. and learned Gentleman the Attorney General for Ireland to explain exactly what was the mean-

ing in this clause of the words "after considering the interest of the tenant, and the value of the tenancy?"

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) explained that it would be the duty of the Court to ensure the interests of the tenant being respected.

CAPTAIN AYLMER pointed out that the clause distinctly stated that the landlord might propose, and the tenant agree to accept, a lease, and the thing would then practically be done on such conditions as the parties agreed upon. Then came the words "if sanctioned by the Court," and the right hon. and learned Gentleman said the Court was to see the interests of the tenant respected; but surely they ought to look at both sides of the question, and it was monstrous to say that the Court was only to look after the tenant's interest.

MR. GIVAN thought the hon. and gallant Member (Captain Aylmer) was labouring under a slight misapprehension, for he seemed to forget that in accepting a judicial lease the tenant surrendered certain important rights which he possessed if he had not accepted the judicial lease. He had a right to go and get a statutory term and have the rent fixed; but as he surrendered those rights by accepting a judicial rent, the clause properly provided that the Court should have supervision over his interests. It was not necessary that the rights of the landlord should be protected, because those rights were subsisting rights which were not surrendered. The tenant might be an ignorant man and not understand the effect of the clause, and so he might be induced to accept a lease which would be prejudicial to his interests, while he surrendered all the privileges he would have as a statutory tenant; and that was the reason, as he understood, why the rights of the tenant and not those of the landlord were to be protected.

LORD RANDOLPH CHURCHILL thought the argument of the hon. Member (Mr. Givan) was based entirely upon a misapprehension as to the meaning of the words. The judicial leases were suggested by the Government, because the Government recognized that in dealing with the Land Question in Ireland, they had to deal with two distinct classes of landlords—good landlords and bad landlords. Good landlords

would allow their tenants to hold on for a great many years at a moderate rent, while other landlords would, to a certain extent, rack-rent the tenant. The good landlord, who had been in the habit of allowing the tenant to hold on at a certain rent for many years, would have power under this clause to suggest to the tenant that they should not go to the Court to fix a rent, but should agree together to continue the tenancy on its old terms. In that way he would exclude the action of the Bill; but he would give the tenant a certain amount of permanency in his lease. That was the object of the clause. The landlord would grant a judicial lease which would be accepted by the Court, and the landlord's and tenant's interest would be equal. He considered the Amendment on the whole a reasonable one, and the only ground upon which he disliked the language of the Amendment was that it was the same as the hon. Member for Dundalk had inserted in the 7th clause, to which he (Lord Randolph Churchill) had objected as having an insidious meaning. It had, no doubt, an insidious meaning in that clause; but he did not think it would have in this clause. He attached very considerable value to the provision as to judicial leases, because the landlords in Ireland who had managed their property fairly and well would be glad to give the tenant for 31 years or more all the advantages they had hitherto enjoyed, but on the understanding that the tenant was not then to be at liberty to take hostile proceedings against the landlord. That was the value of the judicial lease, and he considered that it was being seriously interfered with by the Amendment which the Government had accepted earlier in in the Sitting, and with regard to which he should, on Report, move the reinsertion of the words then omitted.

MR. PLUNKET suggested that the hon. and gallant Member (Captain Aylmer) should not put the Committee to the trouble of dividing upon the Amendment. He still preferred the language of the Amendment to that of the Bill, and he could not understand the necessity of the words "after considering the interest of the tenant." If any reference was to be made to the interests of either landlord or tenant, it would, he thought, be better not to have a one-sided affair. But, under the cir-

*Mr. Plunket*

cumstances, he would advise the withdrawal of the Amendment if the Government persisted in opposing it.

CAPTAIN AYLMER observed, that there was nothing in the clause to bind the tenant to give up his statutory term, and that if he accepted a lease he did so by his own free will. Both landlord and tenant were on equal terms, and he maintained that the interests of both parties ought to be considered by the Court in deciding whether the terms on both sides were just. He regretted that the Government did not look at the matter in the same light; but he would not take up the time of the Committee by dividing. At the same time, he thought it was extremely unfair and unjust for the Government to refuse the proposal.

MR. WARTON asked, whether it would still be in the power of the landlord and tenant to agree to a lease on any terms apart from the lease?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): Certainly not.

Question put, and agreed to.

MR. CHARLES RUSSELL proposed, in lines 15 and 16, to leave out "and the value of his tenancy;" and explained that if any hon. Member thought it necessary to raise a discussion he should not press it.

Amendment proposed, in page 9, lines 15 and 16, to leave out the words "and the value of his tenancy."—(Mr. Charles Russell.)

Question proposed, "That the words proposed to be struck out stand part of the Clause."

MR. W. E. FORSTER said, in agreeing to the Amendment, he did not think the proposed words were required.

MR. PLUNKET said, he did not wish to raise a controversy upon the Amendment, and he should not therefore oppose it.

LORD RANDOLPH CHURCHILL pointed out that "the interest of the tenant and the value of the tenancy" might be two distinct things. "The interest of the tenant" meant what was established under the Common Law, fortified by the Act of 1870; but "the value of the tenancy" meant any sum of money which the tenant had paid on going into the farm; so that all the Court had to consider was what the Common Law assigned to him. Therefore, he thought that the

framers of the Bill were not open to the charge of tautology, and it was not necessary that all judicial leases should take into account "the interests of the tenant and the value of the tenancy," because the two things were distinct. On the whole, he was inclined to think that the clause would be better as it stood, than if amended as proposed.

Question put, and *negatived*; words *struck out* accordingly.

MR. PLUNKET (for Mr. NORTHCOOTE) proposed an Amendment. The Amendment would do no possible harm, and he thought the Government would not object to it.

Amendment proposed,

In page 9, line 16, after "tenancy," to insert "and where such lease is made by a limited owner, as defined by the twenty-sixth section of 'The Landlord and Tenant (Ireland) Act, 1870,' the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner."—(Mr. Plunket.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) agreed in the object of the Amendment, but explained that that object was already provided for in the 18th section of the Bill.

MR. WARTON pointed out that the 18th section applied only to a fixed tenancy, and not to a judicial lease.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) replied, that that might be quite true; but the clause with regard to rules met the difficulty.

Amendment, by leave, *withdrawn*.

MR. A. M. SULLIVAN proposed an Amendment with the object of introducing, at that point of the Bill, that system of Parliamentary tenant right with which the name of Judge Longfield was associated. When the Land Act of 1870 was passing through Parliament, Judge Longfield, in a letter to *The Times*, on the 26th March, 1870, pointed out, or gave expression to, some apprehensions he had as to the failure of that well-intentioned measure, then being carried through Parliament, in some respects, and he made a suggestion as to a principle which he called "Parliamentary tenant right," which was that leases might, on the agreement of the parties, be indefinitely renewed,



with a self-adjusting mechanism for settling a fair rent without reduction. He (Mr. Sullivan) hoped the Committee would agree that in this Bill it was desirable to introduce this principle, which could be introduced without dislocating or damaging in any way any of the other useful provisions of the measure, especially if it could be shown that the Amendment would enable the landlord and tenant to adjust the question on a fair rent from time to time without approaching the Court. The proposal which Judge Longfield made was that every tenant in Ireland should be made to purchase a Parliamentary right in his holding equivalent to the Ulster tenant right, which the tenant might have purchased for a considerable sum of money. In Ulster, a tenant would have the Parliamentary tenant right based upon the sum which the tenant had paid for his interest in the holding. Outside Ulster, Judge Longfield proposed that a similar system should be introduced by enabling the tenant to buy the tenant right in either one of these ways—by the payment of a sum of money down, or by money paid by the lessee to his predecessor in title with the expressed or implied consent of the landlord, or by money to be spent in improvements agreed on by the parties; or, in a vast majority of cases, which under this Bill were called present tenancies—that was to say, tenancies outside Ulster where the Ulster Custom had not been localized, but where the tenants, nevertheless, had succeeded, through many generations of occupancy, to an interest in the holding, as well as to their actual improvements—he would allow the tenant right to purchase by estimating the value of such equitable interest as the tenant had in the farm, including therein the Ulster tenant right where it existed. The question of fair rent would be adjusted in this way. The tenant having agreed upon a fair rent for a certain term of years, which the Amendment proposed should be 15, if, at the end of the 15 years, the landlord claimed a higher rent, the tenant might either assent to it or elect to go out; but in the latter case, the landlord would be bound to pay the tenant 10 years' purchase of the increased rent which he demanded. On the other hand, if a tenant demanded a reduction of rent, and the

landlord did not consent to the reduction, the tenant would be bound to sell to the landlord at 10 years' of the reduced rent. The effect of this proposal would be this—if the tenant attempted to extort from the landlord by demanding a reduced rent which was less than a fair rent, he would be cut by the landlord, who would buy from him, on the basis of 10 years' purchase of the reduced rent; on the other hand, if the landlord endeavoured to extort from the tenant by asking an increased rent, he would be cut by the tenant, who left the farm, and received 10 times the increase asked for by the landlord. In that way it would be the interest of the landlord not to ask too much, and the interest of the tenant not to insist upon too low a rent. That would be what he would call a self-acting mechanism for effecting a fair rent without recourse to litigation, and by the simplest of all processes—namely, self-protection and self-interest, which enabled both landlord and tenant to prevent either over-reaching the other. The system had been in operation on some farms belonging to a relative of Judge Longfield, in Ulster; and not only had the instalments of the money advanced to tenants to purchase tenant right been regularly paid, but there was not at this moment on any of those farms one farthing of uncollected arrear even for past bad seasons. The security which this Parliamentary tenant right had given to those tenants had, somehow or other, brought about a thrift and a saving on the part of the tenants, which tenants elsewhere had not exhibited. He, therefore, wished to move this Amendment, the nature of which he had explained. The power to be created by the Amendment would be purely permissive, and the Court might or might not permit a lease on which the landlord and tenant had agreed.

#### Amendment proposed,

In page 9, line 20, after "applies," insert "Provided always, That a judicial lease may be a lease for a Parliamentary tenant right, according to the form in the Schedule to this Act annexed, or such similar form as the Court may prescribe from time to time."—(Mr. A. M. Sullivan.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought it would be certainly inconvenient to introduce

Mr. A. M. Sullivan

the Amendment into the clause, and he pointed out that, as the clause stood, there was no reason why the Court should not adopt leases such as those indicated by the hon. and learned Member, if only they were agreed upon by landlord and tenant. The Court had to see that the conditions were fair, and it would be quite competent, under the clause, for the Court to consider and adopt the Longfield Lease if they liked.

MR. PLUNKET said, the proposal had attracted a great deal of attention in Ireland, and, like everything which Judge Longfield had brought before the public, it was extremely ingenious. It was brought forward in 1870—but then he (Mr. Plunket) thought rather as a rival scheme to the Bill of the Government—and during the debate the Prime Minister had announced that if it was intended as a rival scheme, he preferred his own proposal. He (Mr. Plunket) should not regret the adoption of the scheme in the present Bill, and he thought it had some recommendations as compared with the general scheme of the Government. In the first place, it avoided the constant interference of the Court, and would work easily, if voluntarily adopted by both parties. In the second place, it did, to some extent, make provision for bad years and varying seasons, for it regulated the rent at times when the landlord might be inclined to ask for increased rent, or a tenant might be inclined to ask for a decrease. If, however, as the right hon. and learned Gentleman the Attorney General for Ireland had stated, the Longfield Lease might be adopted under the present clause, he would not now advance any further argument.

MR. PARNELL said, he believed that the proposal for the Longfield Lease was brought forward in 1870, not as a permissive proposal, but rather as something the Court might do instead of giving the tenant compensation for disturbance under the Act of 1870—that the Court might, upon application, grant such a lease. It appeared to him that the great objection to the Amendment, as at present proposed, was that it would not be operative. As had been pointed out by the right hon. and learned Gentleman the Attorney General for Ireland, practically speaking, the Court could adopt this lease under the present Bill if it chose; and undoubtedly the

9th clause was sufficiently wide to cover the Longfield Lease, if the parties agreed to such a lease. But he (Mr. Parnell) should like to see the Amendment brought forward in a different shape—in the shape of a new clause, after the 7th clause, empowering the Court, after it had, on the application of the landlord or the tenant, determined upon a judicial rent, to grant to the tenant some such lease as this, instead of on a 15 years' statutory term. In this way the difficulty as to fixing the future rent after the expiration of the statutory term, might be got rid of. The rent would be fixed according to the arrangement under the Longfield system. The landlord and tenant would be able to agree upon the rent at the expiration of the statutory term, and there would be no more reference to the Court. This would provide a certain practicable plan for settling future rents, after the judicial fair rent had been once settled. This was a subject which he thought well worth the consideration of the Government in the interval before coming to the new clauses; and if his hon. and learned Friend (Mr. A. M. Sullivan) were to withdraw the Amendment now, in order to see how he might bring it up again as a new clause after Clause 7, the Government might perhaps be induced to agree to some such proposal. The proposal, if adopted, would get rid of a great deal of the friction which would undoubtedly arise under the provisions of the Bill, as it at present stood, with regard to future revision.

MR. GLADSTONE: The whole of this debate has been exceedingly interesting, and the tone of the Committee is pacific. I have not the slightest inclination to vary it. But there is nothing to prevent the inclusion of the Amendment within the terms of the judicial lease. The hon. and learned Member (Mr. A. M. Sullivan) wants to have a judicial lease fixed, and the Bill fixed, so as to have the movement of the rent according to the Longfield Lease, and not according to the statutory judicial lease.

MR. PARNELL: To give power to the Court.

MR. GLADSTONE: Yes, on the application of the parties.

MR. PARNELL: Not of both parties.

MR. GLADSTONE: It appears to me that the proposal of the hon. and learned

Member for Meath is for both parties, and it would be dangerous to start it as a provision which might be adopted on the application of one party only. Under the judicial lease it will be the duty of the Court to see if the rent is a fair rent; and therefore, if the parties agree, it is clearly within the power of the Court to give a judicial lease with the Longfield Lease, subject to a statutory term of 15 years. But if it is to be adopted on the application of one of the parties only, I confess I think that is rather a peculiar plan, and one which it would be unsafe to start.

MR. GRAY observed, that the Longfield Lease was theoretically perfect; but it appeared to him to be utterly inapplicable to small tenancies. It would only be applicable to large tenancies, where the tenants were able to deal at arms-length with their landlords. It gave power to the landlord at any time to propose an increased rent, and the only remedy the tenant had was to demand a decrease. In the case of tenants holding large interests, this was a substantial check on the landlords; but in the case of small tenancies it was no check whatever, because the extra power which the tenant gained would be no compensation for his increased rent, and he would agree to an excessive rent rather than risk being paid off. He thought it was tolerably evident that the Longfield Lease must be one of the many forms of judicial lease sanctioned by the Court; but it was a different thing to introduce it by a Schedule; and although he would object to any power imposing the Longfield Lease on the tenant, it would be desirable in cases where hardship existed to encourage the adoption of that lease. When the Longfield Lease was first brought before the public in 1870, there was a marvellous consensus of opinion in its favour in Ireland—Conservatives and Liberals and all classes united in pressing on the Government the desirability of adopting that lease as a permissive lease under the Act. But, at that time, the Prime Minister held different views from his present views, and he was so opposed to it that the proposal had to be pressed to a division. If there was no substantial objection to the Longfield Lease itself—and he had not heard of any objection—it might be well worth the consideration of the Government whether they would

embody it as a permissive lease in the Bill.

SIR GEORGE CAMPBELL thought the proposal would cause great complication in many cases, and he hoped it would not be pressed upon the Committee, but that the hon. and learned Member for Meath (Mr. A. M. Sullivan) would be satisfied with the general approval which had been expressed by the Government.

CAPTAIN AYLMER said, it was not often that he agreed with the hon. and learned Member for Meath; but in this case he did agree with him, and his view was not a thing of the moment, because, last year, when the Compensation for Disturbance Bill was under consideration, he spoke to the right hon. Gentleman the Chief Secretary for Ireland about the advantages of the Longfield Lease. At the same time, while he would support the Amendment he would not exactly follow the Schedule which the hon. and learned Member proposed to attach, because he thought the Schedule of the Longfield Lease required some alteration. It was sound in its general principles, but in some parts it was defective. Some landlords had altered it, and had then found it work well. He hoped the Government would adopt the proposal.

MR. A. M. SULLIVAN said, he was exceedingly rejoiced to hear from the Government that this was a lease which it might be quite within the power of the Court, under Clause 9, to award. His own conception of the lease was that it must necessarily be a matter of agreement between the parties. The object of the Longfield Lease was to avoid friction, and he thought the virtue of the plan would be destroyed if it were to be imposed on the parties. He should ask permission to withdraw the Amendment, with a view to consider whether, at a later stage of the Bill, he could introduce something which might give expression to as much of the agreement of opinion as he had collected from the speeches of hon. Members.

MR. BRODRICK thought it would be well if, before the Amendment was finally withdrawn, the Committee should be aware of the previous views of the hon. and learned Member for Meath (Mr. A. M. Sullivan) on this subject, and of the change that had taken place in those views. The hon. and learned

Member wrote a letter to *The Freeman's Journal* on October 5, 1880, in which he said the idea of a reduction of rents over all Ireland would be entirely repugnant to the principles of commercial freedom of the English people.

THE CHAIRMAN: I think the hon. Gentleman is going beyond the Amendment.

MR. BRODRICK said, he was merely going to point out that there had been a great deal done since that time; and that the principle which the hon. and learned Member now wished to withdraw and re-introduce in a fresh form as an alternative, was one which the hon. and learned Member, representing, no doubt, a large section of the Irish people, previously held up necessarily as sufficient to meet the case at issue. He thought it was not legitimately brought forward as an alternative. If the lease proposed was held sufficient nine months ago to preclude the necessity of any revision of rents, it was equally so now; and if the hon. and learned Member brought it forward, he ought to be prepared to vote against any interference with the provisions in the 7th clause.

MR. BIGGAR thought it was rather hard on the Irish Members, that each of them should be held responsible for what his Colleagues might have said 10 years ago.

Amendment, by leave, *withdrawn*.

MR. PLUNKET (for Mr. GIBSON) moved, as an Amendment, in page 9, line 21, to leave out after "lease" to the end of line 24, and insert "the landlord shall be entitled to resume possession of the holding." This, of course, was a serious and important proposal; but he hoped to be able to show that it was a fair proposal and well worthy of consideration. Supposing that the proposal of the Government were adopted, and that after the expiration of the judicial lease, the lessee should be deemed to be the tenant of a future ordinary tenancy from year to year at the rent and subject to the conditions of the lease, so far as such conditions were applicable to such tenancy, that amounted, practically, to perpetuity of tenure. What was the good of contracting this judicial lease, and having all the conditions of the tenancy laid down by the Court for a certain period, if, after the

termination of the period, the landlord was again to find himself face to face with what was called a future tenant? The present clause applied not only to the landlord and tenant of any ordinary tenancy, but also to the landlord and tenant of a proposed holding to which the Act applied, which was not subject to the conditions of an existing tenancy; and in that case, though the lease offered by the landlord and accepted by the tenant was entirely fair, and the lease would be submitted to the Court and sanctioned by the Court, still when the lease expired the landlord would find that the tenant stood in the position of a future tenant. The clause, at all events, so far as concerned the cases to which he had referred, was of a very extraordinary character, and the Committee would perceive that although the number of years mentioned was 31, there might be a 60 or 100 years' lease; and, no matter how long it lasted, at the end the tenant would be in the position of a future tenant. What the Amendment suggested was that at the expiration of the judicial lease the landlord should be entitled to resume possession. That seemed to him to be a fair and natural conclusion to a tenancy which was strictly guarded against all those infirmities which were supposed by some to attach to contracts of tenancy made in Ireland, because this lease, voluntarily entered into between landlord and tenant, was supposed to have already obtained the sanction of the Court. Therefore, with great confidence, he submitted that the Amendment would make the state of affairs more logical, and was more in consonance with the idea of freedom of contract than the proposal of the Government, that in all cases where a judicial lease was granted, whether in the case of an ordinary tenancy or not, the landlord should afterwards find himself face to face with a future tenant. He moved the Amendment accordingly.

Amendment proposed,

In page 9, line 21, after "lease," leave out to the end of line 24, and insert "the landlord shall be entitled to resume possession of the holding."—(Mr. Plunket.)

Question proposed, "That the words 'the lessee, &c.,' stand part of the Clause."

MR. CHARLES RUSSELL said, he did not understand the difficulty felt in

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this matter. Where was the hardship of the landlord's position, if, at the end of the lease, he could exercise the landlord's ordinary power of control by raising the rent, and could compel the tenant to go or pay an increased rent? [Lord RANDOLPH CHURCHILL: No.] He said "Yes," certainly; and his noble Friend (Lord Randolph Churchill) was, he submitted, quite wrong upon the point. Applying this to the case of a future tenant, he could not go to the Court for a judicial rent. He failed to see the object of the proposed Amendment, or, rather, what was the hardship it proposed to remedy.

LORD RANDOLPH CHURCHILL said, at the end of a lease a tenant became a future tenant, so that if the landlord demanded an increased rent, and the tenant did not pay it, he could take him into the Court. That was what, in plain English, seemed to him to be the position of the matter; and if the point required any further explanation, perhaps the hon. and learned Gentleman the Solicitor General for Ireland would get up and give them the necessary information. To his mind, there could be no doubt at all about it. The tenant, by the words of the Bill, became a future tenant at the expiration of the judicial lease. He thought the words of the Bill were very much better than those of the Amendment, because he was clear upon this point, that the landlord, upon the termination of a judicial lease, could evict the tenant if he liked, just as a landlord could evict the tenant of any holding where the lease had expired. The tenant became an ordinary yearly tenant, and was no longer protected by the Bill, and the landlord could go and evict him. What did the right hon. and learned Gentleman (Mr. Plunket) propose? He said that the landlord should resume possession of the holding, and that was an artificial expression which they had had some conversation about before. The resumption meant the question of very full compensation.

SIR GEORGE CAMPBELL really thought that the words proposed to be omitted could not, and ought not, to stop as they were. It might be desirable to leave to the parties freedom of contract as to new tenants coming in; but this section would apply to an existing tenant, and especially to a present tenant. ["No!"] Well, if it did not apply to a present tenant, he had nothing more to

say. He had read the clause, and it appeared to him to be the fact that any present tenant who accepted a lease under this provision would sacrifice his tenant right. He thought they should encourage the landlords to grant long terms and keep themselves out of the Court.

MR. GREGORY thought it would be desirable that they should have some explanation from Her Majesty's Government as to what would be the practical operation of this provision, because he confessed for himself, it might be from ignorance, that he felt considerable difficulty about the matter. If it was a matter of English law he should not feel that difficulty, because there the principle was clear that a tenant, after the expiration of a lease or agreement held under the terms of such lease or agreement, and subject to all the conditions of a yearly tenancy as regarded notice to quit. But now the tenant was turned into what was called a future tenant; and what a future tenant in the Bill really meant he was at a loss to know, and it was upon this point that he thought the Committee were entitled to some information. If the position of a tenant, after the expiration of a judicial lease, was to be the position an English tenant would occupy under similar circumstances, there would be an end of the matter. He would merely hold at the will of the landlord; but if there was anything beyond, any inchoate right to the continuance of the tenancy, he thought the Committee ought to know it.

MR. LITTON said, that if the proposal of the right hon. and learned Gentleman (Mr. Plunket) were agreed to, the clause would read thus—

"At the expiration of the judicial lease the landlord shall be entitled to resume possession of the holding."

Now, he would ask what was the object of putting in this Amendment? Because this was the state of things that would follow in the absence of any words of the kind. The Amendment ought, therefore, to have been to strike out the clause, because precisely that result would follow if the clause were not there. There was no distinction whatever between the law of England and the law of Ireland as regarded an over-holding tenant. An over-holding tenant might be evicted at the expiration of a lease.

*Mr. Charles Russell*

With regard to the question what should take place on the termination of a judicial lease, that divided itself into two branches. There might be a judicial lease in the case of a present and of a future tenant. The question might arise, what should be the position of a judicial lessee on the termination of his lease?—first, where he happened to be a present tenant; and, secondly, where he was a future tenant. It was manifest that the position of the two ought to be different; and it was quite clear that the man who was a present tenant, and came and took from his landlord a judicial lease, should, on the expiration of that lease, be in the position of a present tenant and not a future tenant.

MR. GLADSTONE: Her Majesty's Government do not propose to accept this Amendment. I am not quite certain—indeed, it would be presumption in me to say what would be its legal effect—but I take it, as expressed by the right hon. and learned Gentleman who moved it (Mr. Plunket), to be a notice to the tenant who accepted the judicial lease, and at the end of all the relations between him and the landlord, that all the tenant's interest should terminate. That is exactly the thing to which the Government cannot agree, and if we did agree to it the clause would be rendered absolutely a dead letter. No tenant in Ireland would accept a lease on conditions that at the end of that lease his whole interest should expire. I will quote a very ancient anecdote upon this point, but is also a very short one. It is one which the late Lord Devon, who was at the head of the Commission of 1843, told me. He said that when inquiries were going forward in Ireland it was found to be usual for a man who held a lease for life to bequeath it on his death-bed to somebody else. That was the expression of a deeply-engrained idea, and the Government are not prepared to come into conflict with that idea. I do not say anything about the other Amendments that may be moved, but I must object to this one.

MR. GIBSON said, that, speaking with great frankness, his opinion as to the judicial lease and the subsequent proposal as to fixed tenancies was that they partook very much of the nature of padding. He did not attach very much importance to all this elaborate phraseology about judicial leases, and he thought

that fixed tenancies, to which two clauses of this remarkable Bill were devoted, would not be called in question 10 times during the next 100 years. As, however, the clause was there they should try and give it something like an intelligible construction, and try to arrive at something like a reasonable conclusion upon it. The reason that he had put down on the Paper the Amendment which had been moved by his right hon. and learned Colleague (Mr. Plunket) was that he wished to arrive at a clear and definite idea—if Her Majesty's Government had one—as to what would be the position of a tenant of a judicial lease at the termination of it. They appeared to intend, by adding this second paragraph to Clause 9, to give a construction to the position of a lessee on the termination of his lease entirely at variance with the construction that would be put upon his position on the termination of an ordinary lease. It was intended, by adding the second paragraph at the end of Clause 9, practically to give real perpetuity of tenure in that case as in all others—real, but not avowed. Now, what was the position of the tenant of an ordinary lease, leaving the word “judicial” out of the case altogether? If the tenant of an ordinary lease was permitted by his landlord to continue in occupation on the termination of his lease, and if the landlord elected to accept from that tenant payment of rent, that tenant became a tenant from year to year upon the terms and conditions of his lease which had just expired. There could be no question about that; but the Government did not leave the tenant overholding on the expiration of his judicial lease to the legal implication which every lawyer understood. They stepped in and said that at the very moment the judicial lease terminated the tenant became clothed with all the powers and authorities of a future tenant; and it was there that he thought it right to step in and present to the Committee nakedly and clearly what it was that they were asked to decide in this clause. What was the meaning of saying that the lessee would be deemed to be the tenant of a future ordinary tenancy? Did the Government mean to suggest that that was exactly the same position as if the landlord of an ordinary lease, on its expiration, had permitted the tenant to con-

tinue in occupation, had accepted rent from him, and had so accepted him as a tenant from year to year? If they did mean that, why did not the Government put it in the clause? As a matter of fact, they must mean something more, because they had, in the preceding part of their Bill, given to future tenants certain rights entirely independent of a tenant holding on at the expiration of a lease. For instance, under sub-section 2 of Clause 3, the tenant of a future lease, if asked by his landlord to pay an increased rent, had a right to sell his tenancy, and to compel the landlord then to pay the amount of difference that the Court would hold was lost in the purchase money by the fact of a rise of rent being asked in excess of what the Court would hold was a fair rent. The tenant would have the right of free sale, and it might be that they would compel the landlord by these words, instead of having an absolute right to resume possession on the termination of a lease, to admit that the very day the lease terminated a future tenancy was created. They would compel the landlord, if he wanted to get possession, to serve a notice to quit. They would, therefore, compel the landlord, by the words which the Government now said meant nothing—[Mr. GLADSTONE: I never said so]—it had been suggested by silences and by gestures, which were sometimes liable to be misinterpreted; but, no doubt, he had made a mistake, as his statement had not been accepted. But, at any rate, as he had understood it, it was suggested by several speakers that these words in the second paragraph of the 9th section really said, in reference to a lessee on the termination of a judicial lease, that he was to be in exactly the same position as a lessee on the termination of an ordinary lease. He (Mr. Gibson) ventured to say that that was not a fair way in which to treat the landlord. The Prime Minister said that nothing could be more absurd than to say that this Bill contained anything in the nature of perpetuity of tenure; and, unless he was very much mistaken, the right hon. Gentleman had said that it was an abuse of language to use any such phrase in connection with the Bill. Well, he (Mr. Gibson) spoke with entire sincerity, and with great respect for the opinion of the Prime Minister on a question of this

*Mr. Gibson*

kind; but, really, with some misgiving, he must venture to say that, although he might lay himself open to the same charge from the Prime Minister of being absurd, he had arrived at the conclusion that, though not avowed and put in terms, there was actual, real, and substantial perpetuity of tenure in this Bill. He was not going into any other clause of the Bill except for the purpose of illustration; but if a tenant from year to year expanded to a statutory 15 years' tenancy, and then at the end of 15 years he could expand that tenancy into another 15 years, he called that, if not perpetuity of tenure, at any rate, the best imitation of perpetuity of tenure that he had ever heard of. The Court could, with the sanction of the parties, give a judicial tenancy for 31 years as a minimum, and might go up to 500 years, or even 1,000 years. Few of them would really speculate as to how long the world was likely to last; but if a lease was granted for 300 or 400 years, or for 1,000 years, it was a tolerably substantial instalment towards perpetuity. But take it that it stopped short of that, the tenant could have the holding for 31 years, and that was the minimum. He asked in what time on the expiration of a lease had a landlord the shadow of a ghost of a chance of resuming possession? He could not do it, because they did not give him the power. They said a tenant at the end of the lease was a future tenant, and they clothed the tenant with the character and fixed conditions under which the landlord could not resume possession. ["No, no!"] Yes, that was the case. The landlord could not get back possession, except under conditions where he would have to buy over again the fee-simple of the tenancy. Was that giving the landlord any power whatever of resuming possession? To deny that the Bill gave perpetuity of tenure was the merest play upon words. He called it perpetuity from the landlord's point of view. No matter how the tenancy might change, or what machinery might be contained in the Bill with regard to change or sale, there could be no doubt that the proposal of the Government involved perpetuity of tenure as against the landlord, who could not, under any circumstances, resume possession of the holdings. The proposal contained in the clause cer-

tainly, in his mind, involved perpetuity of possession as against the landlord; and he ventured to say that the proposition could not be gainsaid, or even qualified. It had been his (Mr. Gibson's) good fortune to hear almost all of the speeches which had been made by the Prime Minister on this Bill, and he had endeavoured to derive all the instruction and information that was possible from them. The Prime Minister had addressed the Committee that afternoon, with his usual force and eloquence, to this particular branch of the matter before the Committee, and had endeavoured to show that it was an abuse of language to suggest the idea that the Bill intended or was framed to procure perpetuity of tenure; but in doing that the Prime Minister looked at the question only from one point of view, and absolutely ignored every other. The right hon. Gentleman said it was an abuse of language to say that the Bill involved perpetuity of tenure, because in certain conditions one tenant might be compelled to sell his interest to another tenant; but he ignored the fact that all this might be mere by-play on the part of the tenant, and that it did not bring the landlord one whit nearer the possibility of resuming possession of his estate. The tenant in possession, or the one who might succeed him, had in his hands perpetuity of tenure as against the landlord, in that the landlord could not resume possession, but could only under certain conditions compel his tenant to transfer the tenancy to someone else, which would not bring him an atom nearer to the re-possession of his estate. He would remind the right hon. Gentleman that on the previous evening he had been prevented, by a ruling from the Chair which was defended by the hon. and learned Solicitor General in a well-considered speech, from raising this question on Clause 7, and he was now dealing only with the particular clause under discussion. He did not wish to go back upon Clause 7, except for purposes of illustration as far as his present argument was concerned. The right hon. Gentleman, in his speech that day, denied that the Bill contained the principle of perpetuity of tenure—in saying that he (Mr. Gibson) ventured to urge that he was not misrepresenting what the right hon. Gentleman said—but asked why there was not perpetuity

of tenure? He would give an answer to this which he thought no one who had considered what occurred on the previous evening would gainsay.

SIR GEORGE CAMPBELL, rising to Order, said, he wished to ask whether the right hon. and learned Gentleman was discussing the Amendment now before the Committee or one in Clause 7—a matter which had been disposed of at the Morning Sitting?

THE CHAIRMAN said, the right hon. and learned Gentleman (Mr. Gibson) was certainly illustrating his argument very fully by references to what had taken place in the course of the previous Sitting.

MR. GIBSON said, his complaint was that the perpetuity of tenure, which in his view the Bill certainly involved, was disguised instead of being thoroughly and frankly avowed. He supposed this was due to the fact that in the year 1870 the highest authority in the House laid down the proposition, and supported it by the most persuasive reasoning, that if perpetuity of tenure was granted as against the Irish landlords they would have an absolute claim to compensation. It was in order to avoid—

MR. GLADSTONE rose to Order, and said that the right hon. and learned Gentleman (Mr. Gibson) had been speaking for nearly 20 minutes, and had said no single word on the subject of the Amendment before the Committee.

THE CHAIRMAN said, that, as far as he could gather, the right hon. and learned Gentleman (Mr. Gibson) had certainly addressed his observations much more to Clause 7, and the arguments which were used in support of it, than to the Amendment immediately before the Committee.

MR. GIBSON said, the clauses were absolutely connected together. He did not wish to refer to the speech which the Prime Minister had made in the course of that day, further than to say that the right hon. Gentleman had committed himself to the opinion that the Bill was free from the charge of giving perpetuity of tenure. He had endeavoured to show that this clause in its 2nd paragraph, instead of giving to the landlords a right to resume possession of the holdings which they had let, so hampered the landlords as to imperil, if not altogether to prevent, their right



or power to resume possession. He was, therefore, asking why the Government, instead of frankly, plainly, and directly giving perpetuity of tenure, were doing that particular thing in a round-about, involved, and disguised way, so as to obscure the landlord's right to compensation? The object of his Amendment was to bring into perfect clearness the landlord's position. This was a perfectly clear proposition which, if denied by the Government, made it clear to his mind that there was something, at all events, very like perpetuity of tenure to be granted under this Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought his right hon. and learned Friend (Mr. Gibson) had been labouring under some delusion in respect to this clause, or that his brain was oppressed by the weight of arguments which he had intended to bring forward on a previous occasion. To contend that the clause practically conferred or involved perpetuity of tenure, disguised in some marvellous way, required a considerable amount of courage, and that courage had, he must admit, been displayed by his right hon. and learned Friend on the present occasion. His right hon. and learned Friend had told the Committee that the Court might give leases for 30 years, 100 years, or even 500 or 1,000 years, as against the landlords, the fact being that the Court could give nothing, but that the landlord could give what he pleased in agreement with his tenants. To talk of what the Court could give, as against the landlords, was, therefore, only misleading the Committee. If his right hon. and learned Friend would look at the last paragraph of the clause, he would find that a tenant, at the determination of his lease, became the ordinary tenant of a future tenancy. His right hon. and learned Friend then went on to ask how the landlord was to regain possession of his property, and to urge that he might be deluded by a series of mock ejectments—in short, he had mixed up the clause now before the Committee with the one which preceded and the one which was to follow it, without any over scrupulous reference to the matter with which the Committee was now asked to deal. But, after all, what did the whole of this come to? Everyone who knew anything of Irish agricultural life knew that a lease only

meant a settlement of the amount of rent for a certain number of years; and that, although according to the letter of the lease, the landlord, at its termination, was to get back possession of the holding, still, according to the almost universal custom, the landlord, instead of resuming possession, had a revision of the rent, and on the revised scale the tenant retained possession. A judicial lease, as proposed by the Bill, was a pure matter of agreement, to which the landlord was not compelled to assent if he thought the terms proposed to him were unjust. His right hon. and learned Friend had suggested that the clause would not be used in many cases. This might, or might not, happen; but, in any case, it was clear that the landlords were not bound to grant leases on terms which they thought would be unfair to themselves. He could see no injustice in a proposal which, in accordance with the Irish custom, allowed tenants, on the expiration of their leases, to retain possession of their holdings, subject to a revision of rent. No one could suppose that a man would take a 31 years' lease of his holding if he was liable to be turned out of it on the day following the completion of his term. If the tenants were expected to accept these leases, they must be presented to them in a form likely to be acceptable.

SIR WALTER B. BARTTELOT said, there were two points which seemed to arise out of this Amendment. The first was, whether, at the end of a lease which, in Scotland, was, as a rule, 19 years, and in England far less, the landlord was or was not to resume possession of his holding? The value of an estate in Ireland was from 22 to 25 years' purchase, yet it was proposed to give leases for 31 years; and he asked whether it was fair that, in such circumstances, the landlords should not have a perfect right to resume possession of their properties? The right hon. and learned Gentleman the Attorney General for Ireland said that course would have the effect of being contrary to all Irish opinion. The second point was that which had been raised by the noble Lord the Member for Woodstock (Lord Randolph Churchill), which was whether a future tenant would have a right to a statutory term in the event of his rent being raised?

*Mr. Gibson*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it was an essential feature of the Bill, as set forth in Clause 3, that the future tenants were not entitled to go to the Court in order to have a rent judicially fixed, or procure a statutory term. It was only the present tenant who had those privileges.

Mr. SYNAN said, the mistake into which the hon. and gallant Gentleman (Sir Walter B. Barttelot) had fallen was in confounding the "future tenant" with the "future ordinary tenant," the different phrases being used in different clauses of the Bill. He should be glad to see the word "ordinary" struck out of the clause; but unless that was done, there must remain a marked distinction between tenants under this and under the 3rd clause.

Mr. MULHOLLAND said, he would admit that, according to the Irish custom, it was not usual for tenants to give up their holdings at the expiration of their leases, but to go on after there had been a re-valuation and a re-adjustment of the rent; but, on that point, he thought there was somewhat of ambiguity in the clause, as it stood in the Bill, in relation to the meaning of the words "a future tenant."

Mr. GLADSTONE said, they on that Bench had not been arguing about the clause as it stood, but as to the Amendment which had been proposed. When that had been disposed of, they would consider what should be the ultimate form of the clause, bearing in mind the importance of several of the suggestions which had been made.

SIR STAFFORD NORTHCOTE said, he hoped the Amendment would be disposed of forthwith, in order that they might get at the substance of the clause which the Prime Minister said had yet to be reached.

Question put, and agreed to.

Mr. CHARLES RUSSELL said, he had altered his Amendment as it stood on the Paper. Hon. Members would see that, as it had first stood, it applied to all cases in which a judicial lease was agreed to between a landlord and tenant, without making any distinction between the case where a judicial lease was accepted by a present tenant or a future tenant. The object of the Amendment was to make a distinction between

those two cases. He said "the Amendment," but there were really two Amendments—although the first was only formal and rendered necessary to make the other intelligible. Possibly, the second Amendment would, in the eyes of many hon. Members opposite, raise a very important question. The question was one that must be raised and dealt with by the Committee, if justice was to be done. There were two classes of cases—first, those where the future tenant, so-called, had had no previous relations with the occupancy or contact with the landlord, as in the case where a previous tenancy was determined, and a future tenant came in fresh, as referred to by the hon. and learned Gentleman the Member for Tyrone (Mr. Litton), where a landlord let out some of his demesne lands. The distinction drawn in the Bill between future and ordinary present tenants—although he agreed that there probably ought to be some distinction—was too sharp; and he therefore trusted that that sharpness, which would cause inconvenience, would be avoided. But, for the moment, he did not wish to deal with that. He wished to deal with the case of the man who was a present tenant of the land, and who agreed with his landlord to take a judicial lease—that was, a lease which received the sanction of the Court. The Bill, unless amended as he proposed, said that the present tenant—such at the time of the acceptance of the judicial lease—was, by reason of his acceptance of the judicial lease, altogether to lose at the expiration of the lease the character and advantages given to a present tenant. If this were to be the case, they would get no people to accept these judicial leases. The Government ought to be consistent, and, after the course they had taken yesterday with regard to the Amendment of the hon. Member for Hertford (Mr. A. J. Balfour), they should accept his (Mr. Charles Russell's) proposal. The hon. Member's (Mr. Balfour's) Amendment was to the effect that the statutory term should come to an end at the end of the second statutory term—in other words, the statutory term for the purpose of his Amendment should be two terms of 15 years, equal to 30 years. The Government, desiring to see this an efficient Bill, resisted that Amendment. But, having resisted the Amendment, which sought to fix 30 years as the limit

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at the end of which time a tenant was to cease to be a present tenant, in the sense of having the benefit of any application which he might make for a statutory term, it seemed to him that the Government must accept his Amendment as giving effect to the action they had already taken. In the case of the Ulster tenants there was an express provision that at the end of their leases they should have the benefit he wished to give to tenants under judicial leases.

#### Amendment proposed,

In page 9, at end of Clause, add—"Provided always, That, at the expiration of such lease either the landlord or the tenant shall be at liberty to apply to the Court to fix the rent, and thereupon the Court shall make such order as, in view of all the circumstances of the case, shall seem to be just."—(*Mr Charles Russell.*)

Question proposed, "That those words be there added."

MR. W. H. SMITH: I certainly think the time has come when the Prime Minister ought to give us some statement as to the views of the Government on the subject of this clause. It appears to me that if the words of this clause are adopted, the occupier under a judicial lease will be in a position of having agreed with the landlord for that which will enable him to say—"I am now entitled to compensation for disturbance if, at the end of this judicial lease, you do not agree with me either for a new tenancy or a new lease." This, in reality, transfers to the occupier so much of the property of the landlord as is expressed by the compensation to be given to him, and enables the occupier to say to the landlord—"Make terms with me, or I will place you under this fine." The landlord will say—"It is true I have agreed with you for a judicial lease." Well, I suppose he may not have agreed, because a judicial lease is different from any other document which, in the past, has been looked upon as a lease. Hitherto it has always been understood that at the end of the lease the property reverts to him who granted it; but it is not to be so in this case. The tenant is to enjoy his occupation for 31 years; and the landlord, at the end of that period, is to be subject to a fine, if an arrangement is not come to which is satisfactory to the leaseholder. That is a real transfer of property from the one to the other. If they are to negotiate a new lease, the tenant says to the landlord—

*Mr. Charles Russell*

"Here is my right to seven years' rent, in the case of a £30 tenancy; five years' rent, in the case of a £50 tenancy." And in that way he extracts from the landlord—who does not wish to be subject to a fine—an arrangement. That can hardly be the intention of the Government. It is not just. It places the tenant at the end of a lease in a better position than he was at the beginning of the tenancy. The landlord may have fulfilled all his engagements; and it cannot be the intention of the Government that at the end of the lease he should be in a worse position than at the beginning.

MR. GLADSTONE: The right hon. Gentleman (Mr. W. H. Smith), I am afraid, has not gathered the effect of the clause. The right hon. Gentleman is under the impression that the tenant will be invested with a kind of indefeasible tenancy, which it will rest with him to retain, which he has a right to retain, and on account of which, if he is not allowed to retain it, he may demand from the landlord compensation. I can assure the right hon. Gentleman that he is entirely incorrect. The tenant may continue in the tenancy under the terms of the lease, and, if he demands any modification of those terms, the only mode of enforcing it will be by quitting the tenancy; and, if he does that, the only privilege accruing to him will be the privilege of selling his interest. That will be the position of the future tenant at the expiration of the lease under this clause.

MR. W. H. SMITH: Then I understand the right hon. Gentleman to say that a lease for 31 years becomes a lease practically for ever, according to the terms and conditions of the lease. ["No, no!"] Well, at the expiration of the judicial lease, the lessee is to be deemed to be the tenant of the future ordinary tenancy from year to year at the rent and subject to the conditions of the lease, and he can only be turned out—that is to say, the landlord can only resume possession—under the penalties contained in the Bill; in other words, by giving compensation for disturbance. Under the Act of 1870 these leases were subject to the conditions of all leases, and at the end of them the landlord could resume possession, or a new arrangement was come to by the parties. There was no idea of compensation for disturbance at the end of the lease.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it was an essential feature of the Bill, as set forth in Clause 3, that the future tenants were not entitled to go to the Court in order to have a rent judicially fixed, or procure a statutory term. It was only the present tenant who had those privileges.

MR. SYNAN said, the mistake into which the hon. and gallant Gentleman (Sir Walter B. Barttelot) had fallen was in confounding the "future tenant" with the "future ordinary tenant," the different phrases being used in different clauses of the Bill. He should be glad to see the word "ordinary" struck out of the clause; but unless that was done, there must remain a marked distinction between tenants under this and under the 3rd clause.

MR. MULHOLLAND said, he would admit that, according to the Irish custom, it was not usual for tenants to give up their holdings at the expiration of their leases, but to go on after there had been a re-valuation and a re-adjustment of the rent; but, on that point, he thought there was somewhat of ambiguity in the clause, as it stood in the Bill, in relation to the meaning of the words "a future tenant."

MR. GLADSTONE said, they on that Bench had not been arguing about the clause as it stood, but as to the Amendment which had been proposed. When that had been disposed of, they would consider what should be the ultimate form of the clause, bearing in mind the importance of several of the suggestions which had been made.

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those two cases. He said "the Amendment," but there were really two Amendments—although the first was only formal and rendered necessary to make the other intelligible. Possibly, the second Amendment would, in the eyes of many hon. Members opposite, raise a very important question. The question was one that must be raised and dealt with by the Committee, if justice was to be done. There were two classes of cases—first, those where the future tenant, so-called, had had no previous relations with the occupancy or contact with the landlord, as in the case where a previous tenancy was determined, and a future tenant came in fresh, as referred to by the hon. and learned Gentleman the Member for Tyrone (Mr. Litton), where a landlord let out some of his demesne lands. The distinction drawn in the Bill between future and ordinary present tenants—although he agreed that there probably ought to be some distinction—was too sharp; and he therefore trusted that that sharpness, which would cause inconvenience, would be avoided. But, for the moment, he did not wish to deal with that. He wished to deal with the case of the man who was a present tenant of the land, and who agreed with his landlord to take a judicial lease—that was, a lease which received the sanction of the Court. The Bill, unless amended as he proposed, said that the present tenant—such at the time of the acceptance of the judicial lease—was, by reason of his acceptance of the judicial lease, altogether to lose at the expiration of the lease the character and advantages given to a present tenant. If this were to be the case, they would get no people to accept these judicial leases. The Government ought to be consistent, and, after the course they had taken yesterday with regard to the Amendment of the hon. Member for Hertford (Mr. A. J. Balfour), they should accept his (Mr. Charles Russell's) proposal. The hon. Member's (Mr. Balfour's) Amendment was to the effect that the statutory term should come to an end at the end of the second statutory term—in other words, the statutory term for the purpose of his Amendment should be two terms of 15 years, equal to 30 years. The Government, desiring to see this an efficient Bill, resisted that Amendment. But, having resisted the Amendment, which sought to fix 30 years as the limit

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would say something as to the view the Government took. The right hon. Gentleman, however, had not done so. It appeared to him (Lord Randolph Churchill) that if they accepted the Amendment of the hon. and learned Member for Dundalk (Mr. O. Russell), they would be altogether departing from the plan they had in view when they inserted these judicial leases in the Bill. He had tried to point out before dinner, but had not been successful in his endeavour to attract the attention of the Government, that the Amendment they had accepted to the 8th clause seriously interfered with their plan. They had cut out that which was part and parcel of their plan. If the Amendment of the hon. and learned Member for Dundalk was accepted, judicial leases would be wholly worthless. He wished to disembarass the Amendment of the hon. and learned Member from the consideration raised by the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith). He could not understand the contention of that right hon. Member that any part of this subsection, as it stood, conferred perpetuity of tenure. It appeared to him to be nothing more nor less than what would be the existing law with the modification that the tenant at the end of the lease could be put out on an ejectment. By this clause he became *ipso facto* a yearly tenant, and would have to be put out by a notice to quit. But a future tenant at the end of a lease was as unprotected from eviction as any tenant in Ireland. And, more than that, the future tenant at the end of a judicial lease was debarred from claiming compensation for disturbance under the Act of 1870. He could not imagine that that point would be pressed by his right hon. Friend so as to embarrass the Committee in deciding the point raised by the hon. and learned Member for Dundalk. He attached great importance to this question of granting judicial leases, and he thought it distinctly in the interests of the landlords. The advantages were these—the landlord would be saved from hostile litigation on the part of the tenant, who would be bound by the conditions of his lease. There would be many landlords who would say—“We do not want to be bothered by going to the Court; we will give them judicial leases for 31 years, that will

*Lord Randolph Churchill*

last our lifetime, and when our heirs follow us they will have to make their own arrangements with the tenants on the basis of free contract.” But if they made a tenancy at the end of a judicial lease of a present tenant, they would destroy any advantage that could be got in this way, because the hon. and learned Member for Dundalk wished to put judicial leases on the same basis as leases executed before the passing of the Act. The hon. and learned Member appeared to forget that a tenant under a judicial lease used all the rights that the Act would confer upon him. He had great advantages. He obtained security for two statutory terms; the landlord had no right of pre-emption at the end of the second statutory term, and he could not raise the rent. It was said that no tenant would take a judicial lease. Certainly he would not if they accepted the Amendment. As the Bill stood, under certain circumstances, the tenant would have no option but to accept a judicial lease.

Mr. GLADSTONE: I would point out to the Committee that the Court would still be enabled to judge, under the 8th clause, whether a refusal to give a lease is or is not unreasonable. Upon what principle is the Court to proceed in order to judge this question? It would ask the tenant to show whether it was or was not to his interest to accept a lease; and if we pass this clause we must take care that the interests of the two parties are so balanced that there can be no reason why, if the landlord offers a lease and sees his interest in offering it—because, of course, he cannot be compelled in the matter—the tenant should not have a reasonable interest or inducement to accept it. As the clause stands, I confess that I am bound to say it is not drafted so as to meet all the merits of the case. The clause as it stands is applicable both to present tenants and to persons who are not present tenants; but the general effect is to give somewhat less than is due to present tenants and somewhat more than is due to persons who are not present tenants. The right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) will, I think, find his horror at the clause considerably diminished if he bears in mind that our intention really is this—the future tenant shall fare

MR. GIVAN said, the matter was one of considerable gravity. They should be able to carry with them on this clause—

THE CHAIRMAN: I must point out to the Committee that the discussion is going very much on the whole clause, instead of on the Amendment of the hon. and learned Member for Dundalk (Mr. C. Russell).

MR. GIVAN said, it was on the Amendment that he was about to speak. It was important that they should carry with them the sense and judgment of those who were inclined to agree with the right hon. and learned Gentleman opposite (Mr. Gibson), who had a facility for putting matters in such a way as to carry many people away with him. In order that the Committee might understand the position of the tenant under the judicial lease it was necessary that the Committee should consider what was the present position of the tenant from year to year. The right hon. Gentleman had asked what was the position of a tenant under an existing lease? Well, they would see in a moment whether the Amendment of the hon. and learned Member for Dundalk (Mr. C. Russell) was reasonable or not, when they considered what was the position of the tenant under the existing lease. The tenant, under the existing lease in the Province of Ulster, was entitled to tenant right at the end of that lease, because the lease, in most cases, had been proved to be a mere interregnum in the tenancy; consequently, at the end of the lease, all the incidence of the tenancy returned, and the tenant became entitled to all the rights and privileges he enjoyed previous to the date of the lease. Then, what was the position of the lessee outside the Ulster Custom? Under the 4th clause of the Act of 1870, he was entitled to his improvements. Now, if the Amendment of the right hon. and learned Gentleman opposite had been carried, or if the tenancy was to be a future tenancy under the Act, not only would the tenant not have the privileges of the Ulster tenant under the 4th clause of the Act of 1870, but he would be turned out of his improvements and altogether deprived of his holding. Therefore, it was clear with regard to future tenancies created after the passing of the Act, where there had been a pre-

contract between the landlord and tenant, and where he had no existing interest in the land, the true principle to adopt, and the principle which the Bill enforced was this—that the tenant should, at the determination of the lease, become a future tenant; but if the tenant had at the commencement of the judicial lease an interest in the land as a tenant from year to year, then why should he be deprived of the tenancy by accepting a judicial lease? Unless the Amendment of the hon. and learned Member for Dundalk (Mr. C. Russell) were accepted a tenant now accepting a judicial lease would be put in the position in which no tenant ever was before. He would neither be a tenant under the Ulster Custom, nor entitled to full compensation for disturbance under the Act of 1870.

MR. GIBSON wanted to ask a question of the Government. As he understood the Amendment of the hon. and learned Member for Dundalk (Mr. C. Russell), it was this. He proposed to leave the drafting of the second paragraph of the clause as it stood, and then to say that as to certain tenants who might have been present tenants at the commencement of a judicial lease, they should maintain their status as tenants at the expiration of the judicial lease. If the hon. and learned Member would look at the earlier words of the clause, he would find that it was not at all general—it did not purport to give power to all tenants coming under the Act to obtain a judicial lease. It was limited to two very specific classes—first, the landlord and tenant of an ordinary tenancy; and then, the landlord and tenant of any holding to which the Act applied which was not subject to a subsisting tenancy. That was all. He could not exactly reconcile the Amendment with the glossary. He asked for information—whether the clause contemplated, in its rather peculiar phraseology, that the present tenant could at all have entered into a judicial lease?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the first sentence of the clause expressly included both present and future tenancies.

LORD RANDOLPH CHURCHILL wished to know what they were going to do with regard to this Amendment? When the Prime Minister rose, he (Lord Randolph Churchill) had hoped that he

drafting, he thought he could easily accommodate his Amendment to the suggestion made by the Prime Minister. He was, however, willing to leave the necessary Amendment conceded by the Government to be dealt with by the Attorney General for Ireland (Mr. Law).

SIR GEORGE CAMPBELL understood the Prime Minister's proposal to be that the present tenant should not be altogether thrown on one side at the expiration of the lease. He quite approved of that proposal, and thought it quite wrong that the present tenant should be so sacrificed, though he did not so much care for the future tenant.

MR. MACARTNEY pointed out that the present practice in the North of Ireland was, as a matter of custom or of law, that upon the expiration of the lease the tenant should continue as a tenant from year to year until he was disturbed; but he had no right to remain on if the landlord gave him notice to quit. The right which belonged to him was the tenant right, which he was able to dispose of to another tenant who wanted to come in, or to the landlord who might wish to purchase. He (Mr. Macartney) thought he had understood the Prime Minister to say that the future tenant, after the judicial lease had expired, though he would not be subject to the conditions of the Act in regard to other matters, would have a right to sell his holding. Had he correctly understood the right hon. Gentleman?

MR. GLADSTONE: What I said was that, as the clause now stands, it is too much to place him in a better position. There is no reason when a man gets a judicial lease why he should, at the expiration of that lease, be in a better position than another future tenant, and the landlord would fix the initial rent. We propose, therefore, to leave the main subject to the general operation of the law.

MR. MACARTNEY wished to know whether the tenant, at the end of his judicial lease, was to have the right which the Amendment of the hon. and learned Member (Mr. C. Russell) would give him, and which would place him in as good a position as the tenant who had had two successive statutory terms, and was entitled to a third? He did not know whether the Bill intended to give that power, even to the present tenant.

Question put, and *negatived*.

*Mr. Charles Russell*

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

#### *Fixed Tenancies.*

Clause 10 (Present ordinary tenancy converted into fixed tenancy).

MR. BIGGAR (for Mr. HEALY) moved the omission of the word "present" in page 9, line 26.

Question, "That the word 'present' stand part of the Clause," put, and *negatived*.

Words *struck out* accordingly.

SIR GEORGE CAMPBELL moved, in page 9, line 26, the omission of the word "ordinary," lest it should have the effect of precluding the parties from entering into any voluntary arrangement at the end of the first 15 years.

Amendment proposed, in page 9, line 26, to leave out the word "ordinary."—*(Sir George Campbell.)*

Question proposed, "That the word 'ordinary' stand part of the Clause."

MR. GLADSTONE: I do not think any inconvenience would arise from the retention of the word "ordinary;" because at the close of the statutory term the tenancy would become an ordinary one.

Question put, and *agreed to*.

LORD RANDOLPH CHURCHILL moved, in page 9, line 26, the omission of the word "tenancy," in order to insert the word "holding."

Amendment proposed,

In page 9, line 26, to leave out the word "tenancy," in order to substitute the word "holding."—*(Lord Randolph Churchill.)*

Question proposed, "That the word 'tenancy' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) trusted that the Committee would allow the word "tenancy" to stand, for it had been deliberately determined before that the word "tenancy" should be used when the interest of the tenant was spoken of.

LORD RANDOLPH CHURCHILL pointed out that the definition of "tenancy," as given in the Interpretation Clause, was "the tenant's interest in a holding." But the words in this part of the clause were governed by the word "landlord." Now, there could not be a

subsequently like any future tenant, so that he will come in at the end of his judicial lease like any other third party. But I admit that, as the law stands, he gets more, because he gets a lease; whereas, if he came in as a future tenant, the landlord would be entitled, when he had separated his holdings into several parts, to fix upon whatever initial rent he pleased; whereas, those who are not present tenants may be willing to take leases under favourable conditions, yet we may release the landlord from all special restraints at the termination of the lease, and allow him to deal with respect to the initial rent just as he would if there had been no judicial rent at all. It is not to be doubted that it is the result of general testimony with regard to opinion and practice in Ireland that the reputation of leases is at this moment not good in Ireland. There is an ill savour about them in the nostrils of the Irish tenant generally, and he will be very cautious indeed about taking a judicial lease, and the Court will certainly not consider his refusal to take a judicial lease as an unreasonable refusal, unless it can be shown on the face of the lease that the conditions of that judicial lease are constructed upon the principles of a fair balance, giving him an equivalent for his rent. Therefore I believe that, as regards tenants, the foundation of sound legislation with regard to this matter of judicial leases will depend upon our drawing a distinction, in the first instance, between persons who are not present tenants at the outset of the lease, and persons who are. As regards persons who are not present tenants at the outset, I believe their case will be quite provided for, and the Court will have the utmost discretion and jurisdiction in regard to them, if we drop the words in the second portion of the clause. But then there is the question of those who are present tenants. My hon. and learned Friend (Mr. C. Russell) proposes to provide a declaration that, whatever the length of the lease may be, at its termination the tenancy should be a present tenancy. We are rather disposed, I think, to meet my hon. and learned Friend half way, and to say that there are cases in which, where leases of great length are given, we think it might fairly be expected that, in compensation for such security, the tenant

should give up the advantage of being a present tenant at the expiration of the lease. For the sake of argument, I may refer to the amicable conversation we have had to-night upon the Longfield Lease, which, it appears, is a lease for 500 years. I confess I do not see any necessity for providing that, at the termination of a Longfield Lease in the year 2381, the holder of that lease shall be a present tenant. But what my hon. and learned Friend evidently has in view is the currency of leases such as are usually given in Ireland upon agricultural holdings. We have taken that here as 31 years. What I think we might do is that we might accept the Amendment of my hon. and learned Friend with regard to all judicial leases which do not extend beyond a certain term of years; but we must place that term of years sensibly higher than 31 years, or, if the practice of 31-year leases were adopted under this clause, it would be entirely inoperative if we adopt the provision of my hon. and learned Friend. If we are to have judicial leases at all, we must make it reasonably worth the while of the tenant to accept them, or the Court would never give them. I think we may say that if the currency of the lease does not extend to 60 years or upwards, we shall, in all those cases, accept the Amendment, and that would fairly strike the balance between the various interests involved.

MR. GIBSON could not see how the suggestion of the Prime Minister could be worked in with the Amendment now before the Committee. He thought the Amendment ought to be withdrawn for the present, and then it could be brought up again subsequently in an altered form. The hon. and learned Member (Mr. C. Russell) seemed to think it reasonable that the present tenant should be dealt with in an entirely exceptional way, and that he should be reinstated at the expiration of his lease as a present tenant. He (Mr. Gibson) thought, however, that the best thing to do would be to leave the question to be dealt with on Report, when he was sure his right hon. and learned Friend the Attorney General for Ireland would present the matter in a way which they could all understand.

MR. CHARLES RUSSELL said, he would be quite willing to do whatever was reasonable; but, as a matter of



drafting, he thought he could easily accommodate his Amendment to the suggestion made by the Prime Minister. He was, however, willing to leave the necessary Amendment conceded by the Government to be dealt with by the Attorney General for Ireland (Mr. Law).

SIR GEORGE CAMPBELL understood the Prime Minister's proposal to be that the present tenant should not be altogether thrown on one side at the expiration of the lease. He quite approved of that proposal, and thought it quite wrong that the present tenant should be so sacrificed, though he did not so much care for the future tenant.

MR. MACARTNEY pointed out that the present practice in the North of Ireland was, as a matter of custom or of law, that upon the expiration of the lease the tenant should continue as a tenant from year to year until he was disturbed; but he had no right to remain on if the landlord gave him notice to quit. The right which belonged to him was the tenant right, which he was able to dispose of to another tenant who wanted to come in, or to the landlord who might wish to purchase. He (Mr. Macartney) thought he had understood the Prime Minister to say that the future tenant, after the judicial lease had expired, though he would not be subject to the conditions of the Act in regard to other matters, would have a right to sell his holding. Had he correctly understood the right hon. Gentleman?

MR. GLADSTONE: What I said was that, as the clause now stands, it is too much to place him in a better position. There is no reason when a man gets a judicial lease why he should, at the expiration of that lease, be in a better position than another future tenant, and the landlord would fix the initial rent. We propose, therefore, to leave the main subject to the general operation of the law.

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Question put, and *negatived*.

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Question, "That the word 'present' stand part of the Clause," put, and *negatived*.

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Amendment proposed, in page 9, line 26, to leave out the word "ordinary."—*(Sir George Campbell.)*

Question proposed, "That the word 'ordinary' stand part of the Clause."

MR. GLADSTONE: I do not think any inconvenience would arise from the retention of the word "ordinary;" because at the close of the statutory term the tenancy would become an ordinary one.

Question put, and *agreed to*.

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Amendment proposed,

In page 9, line 26, to leave out the word "tenancy," in order to substitute the word "holding."—*(Lord Randolph Churchill.)*

Question proposed, "That the word 'tenancy' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) trusted that the Committee would allow the word "tenancy" to stand, for it had been deliberately determined before that the word "tenancy" should be used when the interest of the tenant was spoken of.

LORD RANDOLPH CHURCHILL pointed out that the definition of "tenancy," as given in the Interpretation Clause, was "the tenant's interest in a holding." But the words in this part of the clause were governed by the word "landlord." Now, there could not be a

landlord of an interest—he must be the landlord of a holding.

MR. WARTON thought there was a great deal of force in the observations of the noble Lord the Member for Woodstock (Lord Randolph Churchill). The fact was they were rapidly drifting away from all the definitions given in the Interpretation Clause. They had just omitted the word “ordinary,” without considering what an “ordinary tenant” meant; and now they were going to do worse, by leaving the word “tenancy” where it should be “holding.”

Question put, and *agreed to*.

Motion made, and Question proposed, “That the Clause, as amended, stand part of the Bill.”

MR. GREGORY wished to make an inquiry on behalf of an individual who had been ignored throughout the Bill—he meant the mortgagee upon Irish estates. The Bill, as he understood it, enabled any landlord and tenant to enter into any contract to convert any holding into a fee-farm rent. All he asked was that the mortgagee should have an opportunity of being heard when the landlord and tenant proceeded to any such conversion, and that it should not be done behind the mortgagee's back. He asked the right hon. and learned Gentleman the Attorney General for Ireland to consider the question before they came to the Report. If some protection were not given, the only result would be that all securities on Irish property would be called in, or otherwise the interest of the mortgagee might be completely annihilated behind his back.

SIR R. ASSHETON CROSS hoped an assurance would be given in accordance with the proposal of his hon. Friend (Mr. Gregory).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he certainly would consider the question; but he wished to point out that the 18th clause would deal with limited owners.

Question put, and *agreed to*.

Clause 11 (Conditions of fixed tenancy).

MR. GREGORY moved to insert, after the word “tenancy,” in page 9, line 34, these words—

“And as in the case of a landlord who is a limited owner, as defined by the 26th section of the Landlord and Tenant (Ireland) Act, 1870,

the Court shall approve, after considering the interest of all persons entitled to any estate or interest in the holding, subsequent to the estate or interest of such limited owner.”

Amendment, by leave, *withdrawn*.

MR. BIGGAR (for Mr. HEALY) moved as an Amendment in page 9, line 38, to leave out “and,” and insert—

“Provided that in case of the re-valuation by the Court under this section of any such fee-farm rent, such valuation shall be conducted on the principles prescribed for fixing a fair rent under the seventh section of this Act.”

He presumed the Government would accept this Amendment, and therefore it was not necessary for him to occupy time by supporting it with argument.

SIR MICHAEL HICKS-BEACH said, he did not see how a fee-farm rent could be dealt with on the same principle as an ordinary rent.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the principle of the Amendment was unobjectionable; but perhaps the hon. Member for Wexford would allow it to stand over until Report, for it would require some consideration on the point of drafting.

MR. W. H. SMITH said, a fee-farm rent might or might not be subject to re-valuation, as might be agreed upon between landlord and tenant; and, surely, the conditions of re-valuation would be matter of agreement.

MR. H. R. BRAND said, if the words “by the Court” were left out of the Amendment, that would meet the objection.

MR. BIGGAR said, it seemed to him that there was no objection to the Amendment. As he understood the Bill, it simply meant that the re-valuation should take place in accordance with the provisions of the Act. But, seeing that the right hon. and learned Gentleman the Attorney General for Ireland had agreed to the principle of the Amendment, and had undertaken on Report to bring in such words as would carry out the idea of the Amendment, he begged leave now to withdraw it.

Amendment, by leave, *withdrawn*.

MR. ERRINGTON said, he had an Amendment to move on a subject that excited much interest in Ireland. This question of fixity of tenure, which the Committee were discussing, was really

considered the most important and most useful portion of the whole measure. His proposal was to omit the word "and" in line 38, and insert these words—

"Which rent, or any part thereof, he shall be at liberty to redeem at any time of such term, subject to such regulations as the Court shall deem fair to both parties."

This was to facilitate the purchase of an increase of the tenant's interest. The importance of the provision in the clause for the purchase of the land by the tenant was agreed, but few tenants would be able to avail themselves of it to the full extent, and he was anxious that they should be enabled to acquire it by a gradual process. It would be a great inducement to offer to the tenant this means of fining down the amount of his rent, and by the gradual increase of the tenant's interest in his farm the tenant's security would be increased and the general tranquillity promoted. The words he proposed to introduce would safeguard the interest of the landlord, for the Court would make the regulations and lay down the terms on which the fining down should take place, and the means by which the money should be paid, and probably there would be no difficulty in the Court making arrangements for the investment of the money if this course were determined upon.

Amendment proposed,

In page 9, line 38, to omit the word "and," and insert "which rent, or any part thereof, he shall be at liberty to redeem at any time of such term, subject to such regulations as the Court shall deem fair to both parties."—(Mr. Errington.)

Question proposed, "That the word 'and' stand part of the Clause."

MR. GLADSTONE said, he thought there was a great deal of force in the object of his hon. Friend (Mr. Errington) up to this point, that when the landlord had become a rent-charger, and was no longer in the true sense a landlord, there should be arrangements for this rent-charge being redeemed. But this was a matter for the Court. He did not wish to insert more than the conditions to bring in the action of the Court, and it would be better to leave the matter until the action of the Court was reached.

LORD RANDOLPH CHURCHILL said, a fee-farm rent could not be so fined down.

Mr. Errington

MR. ERRINGTON said, he did not wish to press the Amendment. He only hoped that the principle was in the Bill as it now stood.

Amendment, by leave, *withdrawn*.

MR. BIGGAR said, he would formally move an Amendment, of which his hon. Friend the Member for Wexford (Mr. Healy) had given Notice, though he did not think that, as the law stood, it was necessary.

Amendment proposed,

In page 10, at end of Clause, to add new sub-section 3—"A fixed tenancy shall be created by deed executed, or note in writing, signed by the landlord or his agent thereunto, lawfully authorized in writing."—(Mr. Biggar.)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the object proposed to be carried out by the Amendment was the existing practice under the ordinary law. It was desirable that there should be a formal document.

MR. BIGGAR, seeing that the right hon. and learned Gentleman shared the opinion which he held himself, would not press the Amendment.

Amendment, by leave, *withdrawn*.

Clause *agreed to*, and *ordered to stand part of the Bill*.

#### PART IV.

#### PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

##### *Miscellaneous.*

Clause 12 (Sale of tenancy without notice of increase of rent).

SIR MICHAEL HICKS-BEACH asked, did the Government intend to proceed further? He had an Amendment of importance on the Paper; but it seemed to him that the clause had really been practically dealt with by the sub-section in Clause 3. Perhaps the Government did not intend to proceed with it; but if they did, he should move in page 10, line 7, after "tenancy," to insert "under the provisions of this Act and."

LORD RANDOLPH CHURCHILL thought the right hon. and learned Gentleman the Attorney General for Ireland would agree that this was a con-

venient point to report Progress. He did not think the Government wished to retain the clause, and he did not think they could have a better stopping place for the night. The Committee had made considerable progress, and it would be pressing them unduly hard to proceed further. He would move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

SIR MICHAEL HICKS - BEACH hoped there would be some information as to whether the clause was to stand; it would be very inconvenient for hon. Members not to know.

MR. CHAPLIN said, he had a Notice to omit the clause, and it would be satisfactory to know if the Government intended to persevere with it or not.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he did not wish the Committee to go beyond this clause.

MR. GIBSON said, the right hon. and learned Gentleman did not quite apprehend what had been said. In consequence of the Amendments already made in the Bill, the Government would probably see that all the topics dealt with in the clause had been disposed of; but if they proceeded with the clause at all, it must lead to long discussion, and, it was obvious, could not be disposed of to-night.

THE SOLICITOR GENERAL (SIR FARRER HERSHELL) said, it was not reasonable to ask what the Government intended to do on the Motion to report Progress.

LORD RANDOLPH CHURCHILL said, if the Government did not intend to press the clause, he would withdraw his Motion; but he would decline to do so if the Government retained the clause, in view of the fact that it must lead to a long discussion and the House met at 12 to-morrow.

MR. CHAPLIN suggested that the Government should allow Progress to be reported, and then say if they intended to retain the clause. It would be a matter of convenience to all.

MR. BIGGAR thought it was unreasonable to ask right hon. Gentlemen opposite to make up their minds as to striking out the clause in the absence of

the Prime Minister, who had charge of the Bill; but, at the same time, it would be unreasonable to ask the Committee to sit later in view of the early Sitting next day.

MR. W. E. FORSTER said, he would consent to Progress being reported; but he must consult with his right hon. Friend as to the clause.

MR. WARTON wished to make two suggestions—one was, that the amended clauses should be reprinted as far as the Committee had gone; and the other was, that as the right hon. and learned Gentleman the Attorney General for Ireland had promised to consider an immense number of points on Report, a list of these should be printed and added to from time to time, to give some notion of the proposals that were to come.

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

#### SOLICITORS' REMUNERATION

BILL.—[*Lords.*]

(*Mr. Attorney General.*)

[BILL 100.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title; extent; interpretation).

Amendment proposed,

In page 1, line 26, after "1866," to insert "Provincial Law Societies or Associations" means all bodies of solicitors in England incorporated by Royal Charter, or under the Joint Stock Companies Act, other than the Incorporated Law Society above mentioned."—(*Sir John Holker.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (SIR HENRY JAMES) asked what was the position of those bodies of solicitors incorporated under the Joint Stock Companies Act?

SIR JOHN HOLKER said, he could not give the information. The Amendment was proposed by the Provincial Law Societies; they were anxious to have it inserted, and he had got them to draw it.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, if necessary, it might be amended on Report. He did not quite know to what it referred.

Question put, and *agreed to*; words inserted accordingly.

Clause, as amended, *agreed to*, and ordered to stand part of the Bill.

Clause 2 (Power to make General Orders for remuneration in conveyancing, &c.).

On the Motion of Sir JOHN HOLKER, the following Amendment made:—In page 2, line 4, after “Society,” to insert—

“And the President of one of the Provincial Law Societies or Associations to be selected and nominated from time to time by the Lord Chancellor to serve during the tenure of office of such President.”

Clause, as amended, *agreed to*, and ordered to stand part of the Bill.

Clauses 3 and 4 severally *agreed to*, and ordered to stand part of the Bill.

Clause 5 (Security for costs, and interest on disbursements).

On the Motion of Sir JOHN HOLKER, the following Amendment made:—In page 3, line 15, leave out “on money disbursed by a solicitor for his client.”

Clause, as amended, *agreed to*, and ordered to stand part of the Bill.

Remaining clauses *agreed to*, and ordered to stand part of the Bill.

House resumed.

Bill reported, with Amendments; as amended, to be considered *To-morrow*.

### Q U E S T I O N .

#### ADJOURNMENT—ORDERS OF THE DAY —ENTRIES ON NOTICE PAPER.

MR. WARTON asked how it was that the Bills printed in the Orders of the Day were, in the first instance, a long list subject to alterations consequent on the Morning Sitting; and then in the evening a much shorter list was furnished?

MR. SPEAKER: At the early Sitting of the House the House ordered the consideration of the Land Law (Ireland) Bill in Committee to be carried forward. That was done on the Order of the House.

House adjourned at One o'clock.

## HOUSE OF COMMONS,

Wednesday, 6th July, 1881.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Turnpike Acts Continuance\* [206].  
*Select Committee*—Conveyancing and Law of Property\* [101], nominated.  
*Committee*—Land Law (Ireland) [135]—*n.p.*  
*Withdrawn*—Lunacy Law Assimilation (Ireland)\* [76].

### ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]  
Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. (Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [TWENTY-FIRST NIGHT.]

[Progress 5th July.]

Bill considered in Committee.

(In the Committee.)

#### PART IV.

#### PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

##### Miscellaneous.

Clause 12 (Sale of tenancy without notice of increase of rent).

Amendment proposed, in page 10, line 7, after “tenancy,” insert “under the provisions of the Act, and.”—(Sir Michael Hicks-Beach.)

Question proposed, “That those words be there inserted.”

LORD RANDOLPH CHURCHILL said, Progress was reported last night in some uncertainty as to whether the Government intended to keep this clause in the Bill or not, in view of its action upon the sub-section of a former clause. He could not say that he understood exactly what course the Government really proposed to take, because the right hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) had an Amendment on the Paper which raised a very important question; and, in the absence of the right hon. Baronet, he should certainly take the liberty of proposing it.

THE CHAIRMAN: The Amendment referred to by the noble Lord is the one I have just put from the Chair. He will

find it given upon page 2 of the Orders of the Day.

MR. MACFARLANE said, the first Amendment on the Paper stood in the name of the hon. Member for Queen's County (Mr. Lalor).

THE CHAIRMAN: The Amendment moved by the right hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) was still under discussion when Progress was reported last night; and, according to the usual practice, it has again been submitted to the Committee. The Question is, "That the words moved by the right hon. Gentleman be here inserted."

LORD RANDOLPH CHURCHILL hoped that the Government would give the Committee some explanation of the meaning of the clause.

MR. GLADSTONE: The purpose of the clause is a very narrow one. It is intended—I do not at all dissemble—to meet the case of something like fraud or trickery on the part of the landlord. At present there is a possibility of such a thing happening in the case of an unprincipled landlord, who, after the arrangements between the incoming man and the outgoing tenant have been completed, and the money paid, should, before accepting the incoming tenant, intimate his intention of requiring a rise of rent. It is a nice matter, perhaps, to deal with; but we are of opinion that the landlord should be under the same liabilities to the tenant in regard to fair dealing that the tenant is under to the landlord, and that there should be a clear understanding upon the subject.

SIR GEORGE CAMPBELL said, he had hoped that after what passed last night the Government would have announced this morning that they were going to drop the clause. It seemed to him a very complicated clause, and the complications of the Bill were such that it was advisable to lighten the ship as much as possible. He confessed that he had never been fully able to understand the object of the clause; and the statement which the right hon. Gentleman the Prime Minister had just made gave it a much narrower scope than before. He had understood that it was intended to guard against a kind of fraud on the part of the landlord in raising the rent between the sale of the tenancy and the acceptance of the new tenant. If the landlord allowed the

transfer to take place without any word of dispute about the rent, he was to hold his peace for ever, and was practically precluded from requiring a rise of rent afterwards.

MR. GLADSTONE: If the landlord has accepted the incoming tenant, and the incoming man has now become his tenant, and the landlord then demands an increase of rent, there is nothing to prevent him from doing so. The object of the clause is to make provision for this narrow point; it is considered that there may be an interval between the completion of the transaction by the old tenant and the introduction of the new tenant, during which the landlord may say to the new tenant—"You are now coming in; I do not refuse to accept you; but if you take this farm, you must take it under an increased rent." This clause would place the landlord under the same liabilities to the new tenant as to the old.

SIR GEORGE CAMPBELL said, that in that narrow sense he did not think it necessary to object to the clause. If the landlord allowed six months to pass before he raised the rent the case would be different.

MR. GIBSON said, the Prime Minister had presented the section in a very minimized and narrow point of view; but, in his (Mr. Gibson's) opinion, it was open to a far wider construction. He quite accepted the statement of the hon. Member for Kirkcaldy (Sir George Campbell), that it was desirable, as far as possible, to lighten the ship. That he would be anxious to do if it was possible, especially in the present state of the weather; but he thought that the best way of lightening the ship in this instance would be to drop the clause altogether. Of course, if the Committee thought it desirable to deal with the question now it could do so. There were two classes of tenancies dealt with—namely, present and future tenants. The position of a future tenant was abundantly protected by sub-section 3 of Clause 2 as amended. But the question of the present tenant, which he admitted to be an important question, was not left uncovered. A present tenant had ample power, if he was dissatisfied with the rise, to appeal to the Court and demand that the Court should overrule the claim of the landlord to the extent to which it was unreasonable in the matter of rent.

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He wished to know whether those two questions did not dispose of the width of the drafting of the clause? It might be a very narrow and minute point which had been indicated by the Prime Minister, and it might require some further drafting; but, unquestionably, on that side of the House they could not allow the clause to remain in its present shape without a protest. Therefore, in the interest of the time of the Committee, he would ask the Government to withdraw the clause. If it went on, they would feel called upon to move Amendment after Amendment which stood on the Paper in order to prevent the wideness of the drafting of the clause being used in a way which was not intended.

THE CHAIRMAN: I must point out that, if the clause is to be discussed in detail, a discussion is now quite irregular. It must be taken when the Question is proposed that Clause 12 stand part of the Bill, and not upon the simple Amendment now before the Committee.

DR. LYONS wished to know what the actual words of the Amendment were?

THE CHAIRMAN: The proposal is to leave out the word "tenancy," in line 7, in order to insert the words "under the provisions of this Act, and."

SIR MICHAEL HICKS - BEACH would venture to make a suggestion. There appeared to be a good deal of difficulty in the matter, and, in order to save time, he would suggest that the clause should be postponed. Perhaps the Government would agree to that course.

THE CHAIRMAN: It would be necessary for the right hon. Gentleman to withdraw his Amendment first, and after that is done the clause could be postponed, if desirable.

MR. GLADSTONE: I see no objection to the postponement of the clause. It was not intended last night that the clause should be postponed, but that I should state to-day what the object of the clause was. I trust that the Committee will see that there is really some point in the clause. My object is simply to provide protection against a very dishonourable transaction aimed at a man before he becomes a tenant at all, either present or future; and the clause is intended to have its operation confined to

that narrow point. But I do not think that the Government will have any difficulty in being able to consider the point between the present time and the bringing up of the Report.

Amendment, by leave, *withdrawn*.

Clause *postponed*.

Clause 13 (Regulations as to sales and application to Court to fix rent).

MR. BIGGAR said, he wished to move the Amendment which stood in the name of his hon. Friend the Member for Wexford (Mr. Healy). The object of the Amendment appeared to be that if the landlord had an objection against the tenant before the judicial rent was fixed, he should place the tenant in a position that he would be able to sell the holding at a reasonable and fair price according to the merits of the case. It was obvious that if the rent was increased, and then the holding sold, the tenant would be placed at a disadvantage. Therefore, the Amendment was, he considered, a fair and reasonable one. It gave both the landlord and the tenant the opportunity of getting a fair price, and nothing more.

Amendment proposed,

In page 10, line 16, leave out from the word "proceedings" to "following," in line 25, and insert "Where proceedings other than proceedings in ejectment for non-payment of rent are taken by the landlord to compel a tenant to quit his holding the tenant may sell his tenancy at any time before, but not after, the execution of the writ or decree to possession, and thereupon such proceedings shall be stayed and wholly cease, and the purchaser shall hold such tenancy as if such proceedings had not been taken; and if judgment, or decree in ejectment, has been obtained before the passing of this Act, such tenant may, at any time before, but not after, the expiration of six months from the execution of a writ or decree to possession in an ejectment for non-payment of rent, and at any time before, but not after, the execution of such writ or decree to possession in an ejectment for non-payment of rent, and at any time before, but not after, the execution of such writ or decree in any ejectment other than for non-payment of rent, apply to the Court to fix the judicial rent of the holding."—(Mr. Biggar.)

Question proposed, "That the words 'where proceedings' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought that the hon. Member must have misconceived the object of the clause. He (the Attorney General for Ireland) could see

no difference between the object which the hon. Member proposed to attain by the Amendment, and what was in the Bill already, except in one small matter of very trifling importance. If the Amendment were adopted in the very common case of an ejectment for non-payment of rent, the tenant's power of selling would be gone. He thought that could hardly be the object of the hon. Gentleman. The Amendment left out all the first part of the clause, and accordingly left the tenant who was ejected for non-payment of rent without any power of sale. That, of course, was not intended. If the object was to enable a tenant who was ejected for non-payment of rent, as in other cases where proceedings were taken, to apply to the Court to fix a judicial rent, then that was expressly provided for by the Bill as it stood. The only difference in the Amendment was that it left the tenant entirely unprotected where he happened to be ejected for the non-payment of rent.

MR. BIGGAR said, that under those circumstances, after the very fair explanation of the right hon. and learned Gentleman the Attorney General for Ireland, he would withdraw the Amendment. He might add that his hon. Friend, in whose name the Amendment stood, had not requested him to move it.

MR. T. P. O'CONNOR would like to ask the right hon. and learned Gentleman the Attorney General for Ireland a question or two before the Amendment was withdrawn. This was one of the two clauses which affected a tenant who had entered into a contract with his landlord. He understood that the right hon. and learned Gentleman and the Government were anxious to make provision for those tenants whose tenant right had been swallowed up by excessive rents, and by the proceedings of the landlord. As he understood the matter, a tenant who was at present engaged in legal proceedings with his landlord would only get six months, from the passing of the Act, in which to redeem himself, and put himself right so as to sell the advantages conferred upon him by the Act of 1870, and by this Bill. He wished to ask the right hon. and learned Gentleman the Attorney General for Ireland whether, if the Government thought it right to protect

the tenants whose tenant right had been destroyed on account of bad seasons, and if they also thought it desirable that the protecting power of the clause should be limited to the short period of six months? The right hon. and learned Gentleman must know that this distress was not a distress of last year, but that it had extended over two or three years. He would, therefore, respectfully suggest that the Government should increase the protection afforded to those unfortunate tenants, so that they might have an opportunity of recovering their position.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the clause must be read in conjunction with others. The condition laid down was that within this period of six months, if the rent still remained unpaid, and in one or two other cases specially provided for, litigation might be commenced and the tenant ejected. It would not be reasonable to require a more extended period to elapse before the landlord could have his remedy. The question which the hon. Member had just put related, he understood, to tenants now in difficulties. The Bill provided that they would have the same period of time up to which they would be able to redeem their position, and they might apply to the Court to fix a judicial rent. If they got a judicial rent fixed, they would have a statutable period of 15 years, during which they would be able to sell their rights. By sub-section 2, where the sale of a tenancy was delayed without default of the tenant, it was in the power of the Court to extend the time; and by one of the last clauses in the Bill, Clause 48, it was provided that, although the Court might not sit until October, and a tenant was unable to make an immediate application to the Court, he should be, if the Court thought proper, in the same position, and have the same rights in respect of his tenancy, as he would have been in and would have had, if the application had been made on the day on which the Act came into force. He thought that it was impossible to provide more reasonable arrangements generally in order to enable a tenant to realize the benefits of the Bill.

MR. MACFARLANE also wished to ask the right hon. and learned Gentleman the Attorney General for Ireland a question. Were the proceedings referred



to in the section those that were existing at the time of the passing of the Act, or only proceedings that were now pending?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Both.

MR. BIGGAR said, he understood from the Prime Minister, on Monday last, that it was intended to-day that the right hon. Gentleman the Chief Secretary for Ireland should lay before the Committee the views of the Government upon the question of arrears. He should like to know when that statement was to be made.

MR. W. E. FORSTER: I may briefly state that I propose to lay before the Committee the views of the Government in regard to this matter when we come to the Amendment which stands in the name of my hon. and learned Friend the Member for Tyrone (Mr. Litton). I may remind the Committee that I have given Notice of an important Amendment in Clause 45, to insert, after the words "a tenancy to which this Act applies shall be deemed to have determined whenever it is sold in consequence of a breach by the tenant," the words "after the passing of this Act." That would put a tenant under the notice of eviction in the position that if he thought himself rack-rented he could apply to the Court to fix a fair rent, and would be able to sell the holding as a present tenancy.

MR. GIBSON said, the statement just made by the right hon. Gentleman (Mr. W. E. Forster) was one of extreme importance, and he would not now discuss its details. So far as he gathered, the Government did not intend themselves to bring in any substantive Amendment dealing with the question of arrears; but they intended to accept another Amendment and draft their alterations upon it.

MR. W. E. FORSTER: What I intended to state was that we proposed to put our clause upon the Table of the House to-day; and I intimated that I would take the opportunity for doing so upon the Amendment being moved by my hon. and learned Friend the Member for Tyrone (Mr. Litton).

Amendment, by leave, *withdrawn*.

MR. LITTON said, the Amendment he was about now to propose would only require a very few words of explanation.

*Mr. Macfarlane*

He proposed to insert, after the words "where proceedings are taken by the landlord," in line 16, the words "or have been taken." That would make the clause apply to proceedings taken both before and after the passing of the Act.

Amendment proposed,

In page 10, line 16, after "are taken," to insert the words "or have been taken."—(Mr. Litton.)

Amendment agreed to.

CAPTAIN AYLMEER wished to move an Amendment, in order to clear up a doubt as to who the clause applied to. He proposed to insert, after the first word "tenant," in line 17, the words "of a present tenancy."

Amendment proposed,

In page 10, line 17, after the first word "tenant," insert "of a present tenancy."—(Captain Aylmer.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment.

Amendment, by leave, *withdrawn*.

MR. T. P. O'CONNOR, on behalf of the hon. Member for Wexford County (Mr. Barry), moved, in line 20, after the word "of," to insert the words "not less than two years."

Amendment proposed, in page 10, line 20, after "of," insert "not less than two years."—(Mr. T. P. O'Connor.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) hoped that the hon. Member would not press the Amendment. The law as it stood gave the tenant a year's grace, and that was, he submitted, a sufficiently liberal allowance. It would be most unjust to require the landlord to wait for two years.

Question put, and *negatived*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, after the word "rent," in line 22, to insert the words—

"Provided that any such tenancy so sold shall be, and be deemed to be, a subsisting tenancy as if no such proceedings had been taken."

There could be no question that the tenancy in a legal sense would be gone, sub-

ject to the equitable right of redemption. The object of this Amendment was to provide, as in Ulster, that the tenant, notwithstanding that fact, should be at liberty to sell so long as the right of redemption lasted.

**Amendment proposed,**

In page 10, line 22, after the word "rent," insert these words "any such tenancy so sold shall be, and be deemed to be, a subsisting tenancy as if no such proceedings had been taken."  
—(Mr. Attorney General for Ireland.)

**Question proposed,** "That those words be there inserted."

MR. GIBSON said, that this Amendment was proposed in manuscript without Notice, and would very much have preferred that the Amendment should have been placed on the Paper, because it was of great importance, bearing in mind the Amendment of his hon. Friend the Member for North Northumberland (Sir Matthew White Ridley), which came immediately afterwards, and which provided that such sale should not prejudice or affect the landlord's rights in the event of the said tenancy not being redeemed within the period of six months. His hon. Friend was not in the House at the present moment; but he (Mr. Gibson) intended to move the Amendment for him. It dealt with a technicality, and remedied a flaw in the clause. But if they declared that, notwithstanding a notice to quit, the tenancy was an existing tenancy, how would the position of the landlord be affected? Did it free the purchaser, who stood in the shoes of the tenant, from the obligation to redeem? That was a vital question. The tenant right at present was this—that he had six months after the execution of a writ or decree to redeem; and if the tenancy was not redeemed—and it could only be redeemed by the payment of the tenant's rent—then, in common justice, the landlord would be entitled to treat the tenancy as gone, and put a man in possession. His right hon. and learned Friend now proposed to declare, notwithstanding all this, that the tenancy should be held to be a subsisting tenancy; and he (Mr. Gibson) wished to show how, if they did that, it would affect the landlord's rights. He did not like to differ upon a question of this kind from his right hon. and learned Friend. But, unless his right hon.

and learned Friend would say that the matter should be considered in connection with the Amendment of the hon. Member for North Northumberland, and that the acceptance of this Amendment would not prejudice the Amendment of his hon. Friend, he certainly could not accept the Government Amendment, which would prejudice that which he was about to move, and which was an absolute test of the *bona fides* of the clause. He must, therefore, most reluctantly decline to accede to the present Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought the observations of his right hon. and learned Friend (Mr. Gibson) were quite just; but it was not intended that the landlord's rights should be prejudiced by the Amendment. In point of fact, the Amendment was proposed as a means of protecting the landlord's rights. There would be a sale under the 1st clause of the Bill, and in a case of this kind where the rent was due the money must be paid into Court. He should have no objection to add to the Amendment, not exactly the words of the Amendment standing in the name of the hon. Member for North Northumberland (Sir Matthew White Ridley), but words which would provide against anything being done that was calculated to prejudice the rights of the landlord. The landlord had two rights—the right to recover the rent of his land, and the right to obtain compensation for damages; and the Government would not sanction any Amendment that would be inconsistent with those rights. Of course, if a tenancy was sold it went to the purchaser; but he would be perfectly willing to introduce an Amendment fully preserving the landlord's rights.

MR. GIBSON said, he was sorry that he had been unable to follow the argument of his right hon. and learned Friend the Attorney General for Ireland, and he would, therefore, shortly state his own views. He thought that the Government had no right—indeed, they admitted that they had no right—to interfere in any way between the landlord and the recovery of his rent.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it might perhaps save time if he said that he saw no objection to the insertion of the words proposed to be moved by his right hon. and learned Friend (Mr. Gibson).

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Mr. WARTON wished to suggest to the right hon. and learned Gentleman the Attorney General for Ireland that it would facilitate the progress of the Bill if, when Amendments were moved which were not on the Paper, the right hon. and learned Gentleman would read the exact words in which they were framed. In regard to the last Amendment, he had noticed no fewer than four corrections from the words as given by the right hon. and learned Gentleman the Attorney General for Ireland, and the words as afterwards read by the Chair.

Mr. BIGGAR thought that the conversation which had taken place between the right hon. and learned Gentleman the Attorney General for Ireland and the right hon. and learned Member for the University of Dublin (Mr. Gibson) was somewhat irregular. The Attorney General for Ireland had moved an Amendment, and the right hon. and learned Member for the University of Dublin argued against it unless the Government would consent to some subsequent Amendment. Now, he did not think that that was at all a regular mode of proceeding. The best course would be to settle this Amendment first; and then, when the next Amendment was moved, it would be for the Committee, and not for the right hon. and learned Gentleman the Attorney General for Ireland, to settle whether it was to be received or not.

THE CHAIRMAN: The hon. Member for Cavan (Mr. Biggar) is perfectly correct. There was an irregularity in discussing the second Amendment.

Question put, and agreed to.

Mr. GIBSON moved, in line 22, after "rent," to insert—

"But such sale shall not prejudice or affect the landlord's rights, in the event of the said tenancy not being redeemed within the said period of six months."

This, he said, was the Amendment which stood in the name of his hon. Friend the Member for North Northumberland (Sir Matthew White Ridley).

Amendment proposed,

In page 10, line 22, after "rent," insert "but such sale shall not prejudice or affect the landlord's rights, in the event of the said tenancy not being redeemed within the said period of six months."—(Mr. Gibson.)

Question proposed, "That those words be there inserted."

Mr. BIGGAR said, he would like to have the opinion of the right hon. and learned Gentleman the Attorney General for Ireland as to what the effect of these words would be. It seemed to him that they might neutralize, in a great measure, what occurred in the subsequent paragraphs of this particular clause. Those paragraphs provided that certain proceedings should be suspended until the decision of the Court had been had on the question of rent and other matters; and he thought the Amendment, in its present form, would nullify that provision, and put the landlord in absolute possession of the holding even if legal proceedings were pending. Under those circumstances, he thought the Amendment very objectionable, and he hoped that the Committee would not agree to it.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think the Amendment would have any injurious effect. It was quite clear that the landlord was entitled to get the rent of his land, and that this right must be protected; and there never was any intention in any part of the House, when the land was transferred to another tenant, that the landlord's right to be paid his rent should be taken away from him. This Amendment merely involved a declaration that a sale should not prejudice or affect the landlord's rights, in the event of the tenancy not being redeemed within the specified period of six months. In reference to what followed, his right hon. and learned Friend (Mr. Gibson) would see in the next paragraph of the Bill that power was given to the Court to extend the time for the application beyond the period previously assigned, so that, under special circumstances, although the six months might have expired, the Court would have power to enlarge the time.

Mr. LEAMY said, the Amendment might be very reasonable or not; but he thought they had already protected the landlord in the case of a sale. In the 1st clause of the Bill it was provided that until the purchaser satisfied the requirements of Section 8, and until any rent that was due was paid, the landlord need not accept the purchaser as tenant. Therefore the landlord was sufficiently protected as the Bill stood, and even for the purpose of protecting the land-

lord there was no necessity for introducing this Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the difficulty arose from the words he had adopted in his Amendment, that a transfer should take effect as if no ejectment proceedings had been taken. His right hon. and learned Friend (Mr. Gibson) therefore proposed these words in order to save the landlord's rights.

MR. LEAMY said, there was this difficulty. If the landlord was not protected under the 1st clause, then, as he had said, it would be very fair and reasonable that the new tenant should stand in the old tenant's shoes; and if the rent was not paid within six months, of course it would affect the position of the incoming tenant. That was only reasonable. But then it must be borne in mind that the outgoing tenant was compelled to sell, and he must give notice to his landlord of his intention to sell. The landlord had the right to decide who should be the purchaser; and he had a right to object, on reasonable grounds, to the proposed purchaser. The landlord had also a right to call upon the proposed purchaser to pay the money into Court. The outgoing tenant would then have complied with all the conditions that were necessary in regard to the power of sale, and would have done everything that could reasonably be expected of him. Consequently, the landlord would have got sufficient protection. But if they allowed this Amendment, the tenant, having got the consent of his landlord to sell, and the proposed purchaser having been received favourably by the landlord, then the selling tenant might get nothing whatever from the incoming man, and the incoming tenant and the selling tenant might both be evicted.

MR. MARUM thought that unless the words were qualified they would cut away the temporary power of suspension.

MR. O'SHAUGHNESSY said, he could not see what object was to be gained by inserting these words. They only repeated words that had already been assented to by all parties, and were contained in the Bill. They simply meant that if the landlord could not get his rent he was to have back his land, and that was perfectly just. He agreed that the insertion of these words might in-

terfere with the intention of the clause. The laying down of general rules was often a good preface for making exceptions.

MR. BIGGAR said, it seemed to him that the hon. and learned Member for Limerick (Mr. O'Shaughnessy) did not attach sufficient importance to the words proposed to be inserted. He (Mr. Biggar) held that in the event of the tenancy not being redeemed within six months, what followed afterwards would be entirely nullified—namely,

"Where any proceedings for compelling the tenant to quit his holding shall have been taken before or after an application to fix a judicial rent, and shall be pending before such application is dismissed, the Court before which such proceedings are pending shall have power to postpone or suspend such proceedings until the termination of the proceeding of the application for proceeding in such judicial rent."

He thought there ought to be some saving words contained in the clause, such as had been suggested by the right hon. and learned Gentleman the Attorney General for Ireland, or otherwise one part of the clause would contradict the other.

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) thought that, with a slight alteration, the words proposed might be rendered unobjectionable. No doubt, what had been pointed out by the hon. Member for Waterford (Mr. Leamy) was quite correct; but in case that transaction was not carried out, the words that had now been adopted, on the suggestion of his right hon. and learned Friend the Attorney General for Ireland, might be argued to have the effect of putting an end to the ejectment proceedings altogether, and render them a nullity, so as to compel the landlord to commence proceedings *de novo* for a fresh ejectment. He thought it possible to add words to protect the landlord's rights—not to give him any fresh rights, but to provide that the proceedings already commenced should not be made a nullity. He would suggest that the Amendment should be amended by the substitution of the words—

"Without prejudice to the landlord's rights in the event of the said tenancy not being redeemed within the said period of six months."

MR. GIBSON said, that everyone liked his own child best, and therefore he preferred his own words; but he

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would not object to those proposed by the Solicitor General, who had fairly stated the substance of the contention.

THE CHAIRMAN: The most convenient course will be for the right hon. and learned Gentleman (Mr. Gibson) to withdraw his Amendment and propose to insert the one now suggested.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 10, line 22, after the word "rent," to insert these words, "without prejudice to the landlord's rights in the event of the said tenancy not being redeemed within the said period of six months."—(Mr. Solicitor General.)

Question, "That those words be there inserted," put, and *agreed to*.

MR. FITZPATRICK wished to propose a small Amendment in order to clear up an ambiguity. He proposed to insert after the word "to," in line 24—

"And the Court be satisfied the rent mentioned in the said ejectment was an excessive rent the tenant was unable to pay him,"

it might fix a judicial rent. These words were only an amplification of the words of the Prime Minister himself on the introduction of the Bill. Speaking of pending cases of eviction, the right hon. Gentleman said—

"A very lively and just susceptibility has been shown by Representatives from Ireland as to the effect of the Act in cases where proceedings with a view to eviction have been commenced; and it has been said that if you take the cases of excessive rent which the tenant has been unable to pay, it would be extremely hard that such a tenant should be deprived of the benefit which this Act proposes to confer on tenants as a class."—[3 *Hansard*, cclx. 911.]

He only took those cases where the Court was satisfied that an excessive rent was exacted from the tenant; and in such cases he thought it was only right that the Court should have a permissive or a compulsory power to fix the rent, or else a litigious and tiresome tenant would force his landlord into Court, and go there simply in order to see what he could get. Where the tenant thought the rent was excessive, he would still be able to go to the Court and apply for a judicial rent; but if he had no reason to think that the rent was excessive, there would be no inducement for him to go into Court at all.

Amendment proposed,

In page 10, line 24, after the second word "to," insert the words "and the Court be satisfied that the rent mentioned in the said eject-

ment was an excessive rent the tenant was unable to pay him."—(Mr. Fitzpatrick.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment. There was no reason why the tenant should not go into Court to have his rent fixed, even if the rent was not excessive, if he wanted to obtain the benefit of a statutory term.

Mr. T. P. O'CONNOR regarded the Amendment as a very ridiculous one. The hon. Member had spoken of an excessive rent, and under this Amendment the tenants would have to prove not only that the rent was not fair, but that it was excessive. Now, was not an unfair rent an excessive rent? Owing to a series of bad seasons the rent might be unfair, and the tenant would be compelled to submit practically to such hard terms as the hon. Member proposed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that he would not enter into the legal question of what was meant by an excessive rent. No doubt, any rent which a tenant could not pay might be considered an excessive rent.

Mr. GIBSON thought the Amendment covered a matter of sufficient importance to be made the question of an independent Amendment. It was a distinctly retrospective provision; and anything in the nature of a retrospective legislation was, of course, immensely in favour of those who were to derive a benefit from it. The Bill, as drafted, proposed to extend to all tenants, good, bad, or indifferent—no matter what their circumstances were, and whether a man with money in his pocket absolutely refused to pay the rent—it meted out them the same measure of justice. He did not think this was fair, or calculated to improve the morality of the nation; and, therefore, he thought his hon. Friend (Mr. Fitzpatrick) was right in moving the Amendment. Was it reasonable that the people who came within it should gain the benefit of these retrospective words? He would take the case of a tenant, which was a common case in Ireland, who, with ample means in his pocket, and with every opportunity and fully able to pay, deliberately held back, and, in accordance with the

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iniquitous teaching of the Land League, had refused to pay, and insisted on the landlord's taking proceedings against him? Was it not abhorrent to justice to tell that man who, contrary to all principles of morality and justice, compelled his landlord to evict him, that he was to have the advantage of this retrospective clause equally with the deserving and impoverished tenant; and that he should be able to bring his landlord into Court without any direction to the Court to discern in any way between the two cases? It was most important that there should be something to indicate to the Court that they should have a discretionary power in dealing with such a case. These might not be the most appropriate words to introduce into an Act of Parliament; but they had high Parliamentary sanction, because they were the very words used by the Prime Minister in introducing the Bill, when dealing with the question of excessive rents, which tenants were unable to pay. The very same words had been introduced by his hon. Friend into the Amendment, and, at any rate, they contained an important principle; and it was quite plain that when the Prime Minister presented the Bill to the House on the first occasion he fully appreciated the propriety of discrimination when dealing with past proceedings in reference to ejectments. A tenant who, owing to circumstances beyond his control, such as poverty and bad seasons, was unable to pay, ought not to be treated in the same manner as a man who had refused to pay owing to his own misconduct. He hoped the Government would be able to indicate that they were willing to adopt some Amendment whereby they might indicate to this Court of Equity that it might have power, if it considered it necessary, to refuse the application of a tenant who had improperly and unjustly refused to pay his rent.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he agreed with his right hon. and learned Friend (Mr. Gibson) that if the Court was satisfied that a tenant had wantonly and unjustly refused to pay, it should not accede to the application. But that case was fully provided for under the 8th clause, which stated that where the Court, on the hearing of a case, was satisfied that the conduct of the land-

lord or the tenant had been unreasonable, it might refuse the application. That clause was certainly intended, and he submitted was quite sufficient to meet the very case which his right hon. and learned Friend contemplated.

MR. LALOR asked if the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) desired to persuade the Committee that there were tenants in Ireland who had allowed themselves to be served with ejectments from their holdings, and had allowed themselves and their families to be evicted, when they had money in their pockets to pay the demands of the landlord. [Mr. GIBSON: Hear, hear!] The right hon. and learned Gentleman, if he believed that, would believe anything. The assertion was as absurd as it was false? Nothing of the sort had ever occurred in Ireland, and there was no man in Ireland who would have allowed himself to be evicted from his holding who had the money to pay the rent in his pocket. As to excessive rents, he would remind the Committee that, although the rents might not have been originally excessive and unfair, the circumstances of the last three or four years might have caused rents to be unfair which would not otherwise have been excessive; and, therefore, although they might not have been excessive previously, they were excessive now. There was another part of this clause to which he desired to call the attention of the Committee—namely,

“And if any judgment or decree in ejectment has been obtained before the passing of this Act such tenant may, within the same periods, respectively apply to the Court to fix the judicial rent of the holding.”

He would remind the right hon. and learned Gentleman the Attorney General for Ireland that, at the present moment, there were a number of Irish tenants who had been evicted, and evicted for non-payment of rent; and, if this Act did not come into operation before the end of six months, they would be completely deprived of all benefit from it unless it was intended to extend its operations.

MR. T. P. O'CONNOR hoped that the right hon. and learned Gentleman the Attorney General for Ireland would give some answer to the appeal just made to him. As yet no satisfactory intimation had proceeded from the Treasury Bench

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as to what was to be done in regard to pending cases.

THE CHAIRMAN: That question is not raised by the Amendment before the Committee.

MR. FITZPATRICK said, he was satisfied with what had fallen from the right hon. and learned Gentleman the Attorney General for Ireland as to the working of the Equity Clause; and he would, therefore, withdraw his Amendment.

MR. WARTON wished to call attention to the very wide application of the 8th clause.

THE CHAIRMAN: The right hon. and learned Gentleman the Attorney General for Ireland was in Order in referring to the power already passed in the 8th clause; but the hon. and learned Member for Bridport cannot discuss the 8th clause now.

MR. WARTON said, he only wished to apply it in the same manner that the right hon. and learned Gentleman the Attorney General for Ireland had done. The position of the tenant who had paid his rent and the tenant who had not paid it was dealt with in the 8th section. It gave the Court the power to review the conduct of the tenant; but not separately, and only with regard to the joint negotiations between the landlord and tenant.

Amendment, by leave, *withdrawn*.

MR. LITTON said, that with reference to the subject-matter of pending arrears, he did not wish to stand between the Committee and the statement about to be made by the right hon. Gentleman the Chief Secretary for Ireland; and, therefore, he would content himself with simply moving the Amendment which stood in his (Mr. Litton's) name on the Paper.

Amendment proposed,

In page 10, line 25, after "holding," insert "and if the rent theretofore payable appears to the Court to have been an excessive rent, or that the tenant, by reason of the general failure of crops in the district or other unavoidable necessity, is unable to pay the same, so as to redeem his holding, the Court may reduce the arrear due by such tenant to such sum as the same would have amounted to had the rent theretofore payable been the rent fixed as the judicial rent, and may also give time to the tenant for the payment thereof, or direct that the same shall be paid by instalments upon

such terms and conditions as the Court shall deem fit."—(Mr. Litton.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER: I think I may at first state, with regard to the Amendment, that the Government cannot undertake to accept it, and on this ground—that it is implied by it that a legal debt at present due from the tenant to the landlord would be compulsorily diminished. There is a very great difference between Parliament dealing in this Bill with future contracts, and sanctioning a breach of past contracts; and we must bear in mind that this Amendment does not cover all the cases of arrears. There are many cases in which arrears have been caused by the distress of bad years, and which are not caused by any excessive rent at the present time. The Government cannot accept the Amendment of my hon. and learned Friend, nor that of my hon. Friend the Member for Monaghan (Mr. Givan), which would give the power of diminishing the debt, not merely by excessive rent, but by any defective seasons or failure of crops. If the Committee will allow me now to explain the proposals of the Government, I will do so as briefly as I can. It is our desire to give a fresh start, if it is possible, to the tenants in arrear. It is most desirable to do so, and for that purpose we think that Parliament may give facilities, and may, I may say, hold out temptations to both landlord and tenant to come to an agreement. Our object is to make proposals which may conduce towards making both landlords and tenants meet their difficulties. I will, therefore, make as slight an allusion as I can to any matters on which, no doubt, there is great difference of opinion. Those who owe arrears may be divided into two classes—namely, those who are unable to pay, and those who are unwilling to pay. Let me first state what we are actually doing for tenants in arrear. By the clause which we are now actually considering in Committee, and by the 45th and 48th clauses, we put every tenant against whom his landlord takes proceedings for the recovery of unpaid rent in this position—that he would not lose the benefit of the Act, on account of the landlord's taking proceedings, with-

Mr. T. P. O'Connor

out having the power to apply to the Court to fix a judicial rent. The result of this would be that if he had been rack-rented, or if he had been even over-rented, or charged any rent which was above a fair rent—if that were so, he would have the opportunity, notwithstanding that he was in arrears, of having a fair rent fixed; and then, by the 1st clause, he gets the power of selling his tenancy as settled by the Court; and by the proposals to which I have already alluded, and which the Government hope to persuade the Committee to accept, he will be able to sell that tenancy as a present tenancy. This applies to our definition of proceedings—namely, that proceedings should not be completed until the six months for redemption have passed over. The hon. Member for the City of Galway (Mr. T. P. O'Connor) asked what was to become of the tenant if the Act is not passed within six months. If we do not pass the Act at all we must begin all our discussions over again; but if the Act is to be passed at all it must be passed within six months? I think that is the evident reply to this question. It would be a great mistake to suppose that this is not a considerable boon to tenants in arrear; but I am perfectly well aware that there may be many tenants whose arrears will be beyond the price they could obtain for the tenant right even with a present tenancy and with a judicial rent. The question is, how far we can or ought to help those of them who are unable to pay their arrears—how far we ought to help them so that they may have a fair start along with other tenants, and not be evicted? In considering this question we must bear in mind, when we come to examine into the arrears, that generally speaking—I may say almost invariably, for the exceptions are on so small a scale that hon. Members of practical experience will confirm me in the belief that they are really more or less arrears within the last three years—namely, the two bad years of 1878 and 1879, the two rents which were due before the last crop, and the comparatively good year of 1880. What I mean by that is that they are the rents which ought to have been paid after 1878, or 1879, or 1880. I am well aware that on some estates there is an appearance of arrears beyond that time; but I I believe that that is really what we

may call an arrangement of accounts much more than a reality. ["No!"] I am told that you may find some estate books upon which there appear to be arrears due since the time of the Great Famine. That appears to me to have been very unwise book-keeping, and I do not call those arrears at all. In some few cases, after the Famine, no doubt, when the rents were paid, instead of starting fair, the landlords put them to the credit of the old account. But I do not call those arrears, and they are not worth a farthing in the pound. What we have really to deal with, practically, are the arrears of the last three years. Of those arrears I believe that if the last year had been by itself, and the tenants had been left alone, there would not have been much trouble. I believe that, generally speaking; I do not say that there would not have been exceptions—there always will be exceptions—but if the tenant had not had the arrears of the two previous years hanging around him like a mill stone, and there had been only last year to deal with, and if the tenant had also been let alone, the landlord would have obtained the rent, in some cases without abatement, and in others with reasonable abatement. But then comes the great difficulty of the two previous years, and I am afraid that some hon. Members may have a feeling of disappointment when I now state what the Government propose. But the Government believe, after serious consideration, that they would be more likely to arrive at beneficial results for both landlord and tenant, and quite as much for the tenant as the landlord, if, instead of making any compulsory arrangement as to what the landlord must accept or what the tenant must pay, we stepped forward on the part of the State and made an offer. The offer we propose to make is this. That the Commission shall have power to advance to all tenants who have settled with their landlords for the rents due since last year's crop—that is, who have paid their rent, or made arrangements with their landlords by which he accepted what had been paid as payment in full; to all those tenants the Commission will, in regard to their holdings, have power to advance to the landlord 50 per cent of any arrears that may be due from the two previous years—I hope I am making myself understood—1878 and 1879, on



these conditions—That the landlord and tenant shall agree in the application; that the landlord shall undertake the repayment of the advance in 15 years in half yearly instalment, at, I suppose, an interest of  $3\frac{1}{2}$  per cent—certainly not above  $3\frac{1}{2}$  per cent—that the tenant shall allow the payment to be added to his rent for 15 years, whether it be a judicial rent or not; and that in consideration for receiving that advance the landlord should give a release in full to the tenant for all arrears. The result of that would be this—that on those holdings to which the arrangements would apply there would be no possibility of eviction for anything due up to the present time. Upon last year's rent the landlord and tenant would come to an agreement; and with regard to the two previous years' rent, the landlord would receive a sum not exceeding one year's rent, as an advance, from the Government; while the tenant would be free from all previous debts upon the condition that he pays this small addition to his rent, whatever it may be, spread over a period of 15 years. That is the proposal which we make. I must now state out of what fund the Government propose to take this money. It is proposed to make this advance on the security of the Church Fund, which, after all, is a purely Irish fund. I hope that hon. Members from Ireland will recollect that agricultural distress, and arrears of rent, and the difficulties of tenants, and, I must say, the difficulties of landlords, are not confined to Ireland at the present moment. But it would be a mistake to suppose that the Government incurs no responsibility, because the Irish Church Fund has a good many burdens upon it; and I do not know how far it may stand this additional strain. Therefore, it is not to be supposed that the Government are making a proposal which, to some extent, may not involve a responsibility to the ratepayers. Let me say one or two words as to the effect of this proposal. It is true that it is not a compulsory, but a voluntary arrangement. There are advantages in compulsion; but, I believe, the difficulty of getting an enactment passed into law—I suppose I should hardly be in Order in explaining much more than that—the difficulty of getting an enactment passed into law, which might have any-

thing of a compulsory nature about it, would be very great. On the other hand, there are very great advantages if we can give the two parties, the landlord and the tenant, a strong temptation to come to an arrangement voluntarily. What would they get from it? The landlord would get a strong temptation from the tenant to pay the whole of the remaining debt of last year. He will get an advance of 50 per cent of the previous arrears, possibly amounting to one year's rent in ready money; and I am afraid that there are a great many landlords in Ireland to whom that would be a great boon. It may be said that the landlord would still have to lose the other 50 per cent. No doubt he would lose it; but if he could get it, it would be with great difficulty, and it is for the landlords to judge what is best for them. My strong belief is that the majority of landlords in Ireland will not object to the offer which the Government make, nor look upon it as a bad one. Then, what would the tenant gain? He gains a fair start for the future. He gains a release of all arrears of the bad years, and any arrears that may have been existing before. He gets the temptation from the landlord to make fair terms with him for last year's rent, and he gets time for repayment; and he gets security against eviction; and, furthermore, a certainty of obtaining the benefit of the Act. I need hardly say what would be the advantages to the State if we can get this proposal agreed to. It is not necessary to explain that. Instead of having the landlords considering how they can get the law enforced, and instead of many of the tenants considering how they can break the law, we should have both considering the best use they could make of the offer of the Government. I may explain that this proposal cannot be discussed now; but I hope to place it upon the Paper to-day. I am obliged to the Committee for allowing me to make this statement. It is impossible to make the proposal to-day, simply because I have not yet had time to consult the authorities of the Treasury as to the exact technical position of the fund from which this scheme is to be carried out. I trust that I have made myself clear; at any rate, I have tried to do so, and I hope my hon. and learned Friend will not object to withdraw his Amendment, on the perfect understanding that if he

thinks fit—I hope he will not—to bring it up at a future time, he will find an appropriate opportunity, and one upon which he will get the best chance of a full discussion upon the clause which I shall place upon the Paper to-day.

**THE CHAIRMAN:** I wish to point out to the Committee that though, by the indulgence of the Committee, it is permitted to a Minister of the Crown sometimes to make an explanation of a clause in advance, it would not be in Order to discuss a clause which is not before the Committee; but the discussion must be postponed until it is. At the same time, any explanations asked from the right hon. Gentleman in order to make his statement more clear would be in Order.

**SIR STAFFORD NORTHCOTE:** I rise, not for the purpose of discussing the important statement which has just been made by the right hon. Gentleman the Chief Secretary for Ireland—I quite agree that it is one which we ought not to attempt to discuss now; but I rise chiefly for the purpose of asking whether this will be brought in as a separate clause? If so, we shall have plenty of time to consider it on the Paper before we come to its discussion; and although the statement of the right hon. Gentleman has been extremely lucid, I think we could scarcely appreciate that statement until we see it on the Paper.

**MR. LITTON** said, that, after the Ministerial statement, it would be extremely inconvenient to discuss his Amendment; and he would, therefore, ask leave to withdraw it.

**MR. LALOR** said, the proposal of the right hon. Gentleman seemed to be only that which was enjoyed by every trader in the Kingdom—namely, the right of offering a composition to his creditors.

**THE CHAIRMAN:** The hon. Member is now discussing the proposition which is proposed to be withdrawn.

**MR. LALOR** said, he was discussing the Amendment of the hon. and learned Member for Tyrone (Mr. Litton). He did not see how it was possible to make any objection to that principle. With regard to the statement of the right hon. Gentleman the Chief Secretary for Ireland, he had no doubt that it would be an excellent provision for the landlords of Ireland who were unable to collect their rents, because it gave them 50 per cent of the rents which they were not able to

get. He wished, however, to ask the right hon. Gentleman, with regard to tenants who had paid up their rents to last November 12 months, whether such tenants would get any benefit from the proposal made by the right hon. Gentleman.

**SIR MICHAEL HICKS-BEACH** said, he did not wish to discuss this proposal now; but he should like to ask the right hon. Gentleman two questions with regard to it. The first was that which had just been put by the hon. Member who last spoke (Mr. Lalor) whether it was intended that the proposal should apply to cases in which the arrears had been paid as well as to those in which they were still due; and, secondly, was it proposed that the scheme should apply to the whole of Ireland? because he must say that he was perfectly certain, from all the information which had reached him, that there were many parts of England in which, if the proposal was to be justified by the distress of the landlords and tenants, it would be as much required as in Ireland.

**MR. H. R. BRAND**, said, he wished to put a question to the right hon. Gentleman the Chief Secretary for Ireland with respect to one point in the scheme. He had failed to gather from the right hon. Gentleman's explanation whether the advantages it was proposed to give were to apply to all tenancies alike, or whether a distinction was to be drawn between those who had been really unable to pay their rent, and those who had not paid their rent although they had been perfectly able to do so.

**LORD RANDOLPH CHURCHILL** wished to put a question in order to further elucidate the nature of the Government proposal. The right hon. Gentleman the Chief Secretary for Ireland said the arrangement would be purely voluntary. In that case, how would it fit in with the 8th clause of the Bill? Was the refusal of the landlord to accept the arrangement to be regarded as unreasonable, and would it come under the 8th clause?

**MAJOR NOLAN** wanted to know if this offer on the part of the State was to be upon the gross rent, without deductions in any way for poor rates or county cess. [*Cries of "Oh!"*] He protested against the supporters behind the Government constantly groaning whenever

an independent Member rose to put a question. It would be far better if they would get up and explain plainly what they meant. He wished to know, also, whether the Income Tax would be remitted on those payments?

Mr. MACFARLANE said, the proposition amounted to this—that the landlord would get from the Government 50 per cent of the sum he was entitled to collect from the tenant. He wished to know, further, if the landlord would not also be entitled to collect from the tenant the other 50 per cent?

Mr. W. E. FORSTER: With regard to the question of the hon. Member for the County of Carlow (Mr. Macfarlane) I have already stated that one of the conditions of the advance will be that the landlord shall give a release for all arrears due. With regard to the question of the right hon. Member for East Gloucestershire (Sir Michael Hicks-Beach) whether the scheme will apply to the whole of Ireland, I can only observe that there are parts of Ireland in which both landlords and tenants are less distressed than in other parts of the United Kingdom. But I am sure that, unless in exceptional cases, in many parts of Ireland these advances would not be made, because there are no arrears due previously to the last year's crop. In the parts of Ireland to which the right hon. Gentleman alluded, the rents, as a rule, were uncommonly well paid, sometimes with abatements on account of bad years, but, taken as a whole, uncommonly well paid until the rents were due last November; and, consequently, this offer will not apply to those cases. The offer will not apply to any arrears that have become due since the last year's crop. We believe, as a general rule, that the arrears which have become due since last year's crop might fairly be left to the landlord and tenant to settle between themselves. In the great majority of cases they can be paid; and the scheme, on the one hand, tempts the tenant to pay up last year's rent because of the advantages he will gain on account of previous year's arrears, and, on the other hand, it tempts the landlord to make a reasonable abatement on last year's rent in order to get the 50 per cent advance on the arrears of the two previous years. There is one thing of some importance which I forgot in making my statement,

*Major Nolan*

and of which I have been reminded by the hon. Member for Stroud (Mr. Brand), and that is that the offer is limited to tenancies of the value of £30 and under. The hon. and gallant Member for the County of Galway (Major Nolan) asks whether county cess will be taken into account? That is rather a technical question; but I think I can give him a pretty clear understanding—namely, that what we deal with is the rent due from the tenant to the landlord—a rent that he can put in his rent bill if he takes proceedings to evict. I think I have now answered all the questions that have been put to me.

MAJOR NOLAN: You have not answered my question about the Income Tax.

Mr. W. E. FORSTER: I do not think that we shall make allowance for Income Tax.

LORD RANDOLPH CHURCHILL: The right hon. Gentleman has not answered my question with reference to the 8th clause.

Mr. W. E. FORSTER: With regard to the 8th clause I would refer the noble Lord to the language of that clause, which is that, if the conduct of the landlord or the tenant is unreasonable, it is for the Court to consider whether it has been so. The mere fact of the refusal on the part of the landlord would not be sufficient; but it might be accompanied by other things which might tend to render the conduct of the landlord unreasonable, and all the facts would be considered by the Court. As to what fell from the hon. Member for Queen's County, I think he stated this, after all, was only an offer enabling the tenants, like any other traders, to compound their debts with a landlord creditor. There is just this difference—that the State comes forward and offers to prevent, in their cases, the surrender of the land. One great object of ours in this Bill, and in these discussions, is to enable the tenants in the future to enter into agreements with the landlords without compelling them to make this great sacrifice.

Mr. MACARTNEY asked what, exactly, would be the position? The right hon. Gentleman had stated that the rent that would be considered as arrears in regard to this offer would be rent that would be included in the claim of the landlord if he brought proceedings

to eject a tenant. If that were the case it would include rent up to the 1st May, 1881; therefore, it would include rent which would be payable under ordinary circumstances in Ireland out of the crop of this year. They ought to have very clear information on this point—

MR. W. E. FORSTER: The hon. Member does not understand me.

MR. MACARTNEY said, that if the right hon. Member would allow him to conclude he would put the case as he understood it. In most parts of Ireland there was rent unpaid payable last November, and due on the 1st May, 1880. There were very few landlords who had received their November rents in May this year. That being the case, if these landlords made the abatement asked for, they would be foregoing 50 per cent.

MR. W. E. FORSTER: I do not complain of the misunderstanding of my statement, because I do not believe that, however clearly to my own mind I might have put the case, hon. Members can perfectly understand the matter before they see it in print. What I did say was that this is voluntary offer with conditions attached to it, and that one of those conditions—the most important of them—is that it should only apply to the case of holdings on which the rent due since the last crop—that is to say, due last November or last May, has been paid either in full or to such an amount as the landlord is willing to accept as payment in full. I think that answers the question completely. Of course, it will be for the Committee to determine what time the Commission shall allow to elapse in this arrangement. I dare say our proposal will be open to some objection as not going far enough; but, after going through the matter very carefully, we propose that last year's rent should be settled for.

MR. MACARTNEY said, he still was not clear on the point.

MR. W. E. FORSTER: We shall have to frame the clause so that it will be understood by both parties as a legal offer on our conditions. The tenant must have paid to the landlord the rent due on the last two gale days since the crop. What we mean to say is that we do not think any offer should be made as regards last year's rent.

We do make an offer as regards the previous two years' rent.

MR. MACFARLANE said, it would simplify the proposal if the offer were made conditional upon the payment of one year's rent, whether last year's or one of the two preceding year's.

MR. T. P. O'CONNOR said, he did not wish to discuss in any way the proposal, but he wished to ask the right hon. Gentleman one or two questions; and, first, as to an observation he had made in reply to an hon. Friend behind him. He would like to ask the right hon. Gentleman if he was not aware that £1,000,000 was advanced to the clergymen of the Irish Church as an indemnity for the non-receipt of their tithes, that this money was paid out of the Imperial Exchequer and was afterwards forgiven? He would like to ask also whether those tenants who had not been able to come to any arrangement with their landlords as to the payment of last year's rent were, by this proposal, to be left to fight it out with the landlords as best they could? He should like to ask, further, whether the Government would be willing to re-consider the figure of £30 valuation, which, if adopted, would make the proposal completely worthless to a large number of people in Ireland? He would not ask the right hon. Gentleman to answer the latter question now. There was still another query he wished to put—namely, whether the proposals of the Government would take into account, or would be supplemented by anything which would take into account, the position of the 9,436 persons evicted in 1880, the 1,732—less 181 put back as caretakers—evicted in the first three months of the present year, the 4,679 evicted in 1878, and the 6,239—less 633 put back as caretakers—who were evicted in 1879, all these evictions having taken place in what might be called years of distress?

MR. W. E. FORSTER: I cannot give an answer as to what happened with regard to the tithes. My right hon. Friend (Mr. Gladstone), who would be likely to know something about this, seems to think that the money was not given, but advanced. [Mr. T. P. O'CONNOR: Advanced and forgiven I said.] That may be so, but many years have passed since then. As to the other questions,

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they do not appear to have anything to do with my proposals, about which I do not think there can be any doubt. The hon. Member asked if any other proposal is contained in my proposition, and, in reply, I have to say that there is none. If the hon. Member wishes to bring forward any of these proposals it is perfectly within his power to do so. There is no proposal before the House for reinstating those persons evicted during the past year. It would be a most difficult thing to do.

MR. SHAW said, he rose for the purpose of suggesting that it might be advisable now to postpone a critical examination of the proposals of the Chief Secretary. They would not gain very much by discussing them now. The right hon. Gentleman's proposals were most important and required careful consideration.

SIR GEORGE CAMPBELL said, the hon. Member for Stroud (Mr. Brand) had put a very pertinent question as to whether, within the limit of £30, there was to be any distinction between tenants who would not and tenants who could not pay. In the case of a perfectly solvent tenant, were the taxpayers to pay a part of his arrears, or was a discretion to be allowed by the Court?

MR. W. E. FORSTER: The proposal is intended to apply to all cases. If my hon. Friend looks into the matter he will see that there is a great guarantee to the taxpayers in the case he mentions, for if the tenant is able to pay, and there are no difficulties in the way, I do not suppose the landlord is likely to accept only half the arrears.

SIR WALTER B. BARTTELOT wished to know why the Chief Secretary had fixed the valuation at £30? There might be a large number of persons who might have suffered distress with a valuation far above that.

THE CHAIRMAN: The hon. and gallant Baronet is now discussing the clause.

MR. W. E. FORSTER: No doubt this matter will come under discussion when the clause is before the Committee. The figure has not been hastily fixed. It has been carefully considered, and the chief reason upon which we justify our proposal is that it will secure the peace of the country by relieving those people who are suffering. That was the sum named in the Bill of last year; and

I would remind the hon. Gentleman that in cases above £30 the risk to the taxpayer would be immensely increased, whilst the number of people relieved would be very much smaller.

MAJOR NOLAN said, he had not received a clear answer to the question he had put to the Government.

MR. GLADSTONE: The hon. and gallant Member's question has reference to the Income Tax, whilst this question is one as to rents—there payment of allowances to be made for rents. When the circumstances of the case are taken into consideration, I leave it to the hon. and gallant Member to consider the policy of the change he proposes.

MR. BIGGAR said, it seemed to him that the Amendment went on proper lines. Objection was taken to it because it was retrospective; but he would point out that all legislation as to arrears must be of a retrospective character, and, more than that, it seemed to him that there would be so many complications of different sorts that it seemed impossible to prepare a clause drawing a hard-and-fast line that would not be objectionable in some respects. Let them take a case where the landlord had not been charging over the valuation. In such a case the Court could reasonably say—"This tenant has not been unfairly treated. He has a right to pay his arrears on the valuation, and he has no right to get any redress under the provisions of the Bill." But, on the other hand, suppose the tenant came before the Court and said—"This landlord is charging me three or four times the Government valuation, and has improperly heaped up his arrears; I want to get some redress as to these arrears." In that case the Court might fairly say—"This tenant has been harshly treated, and we think he should have a substantial allowance." With regard to the question of bankruptcy, the Court never took the last penny a bankrupt had; but in these cases of eviction, where the cause of non-payment was excessive rent, the tenant would be turned out without mercy. Under the Bankruptcy Law it was frequently possible to make arrangements for a friendly composition. The Court, he understood, was to act as arbitrator between the two parties. He had a letter from one of his constituents which referred to an estate where, although both the present owner and his

*Mr. W. E. Forster*

predecessor had acted in a kindly manner, arrears of three and four years were still kept by the agent in the rent book. This was an extract from the letter in question—

"As the question of arrears of rent is likely to occupy considerable attention in discussing the Land Bill, I take the liberty of bringing the case of the tenants on Lord Charles Beresford's property in this parish under your notice. This property formerly belonged to the late Primate of Armagh—the present owner's uncle—who was a good landlord. During the last Famine in 1848, the tenants were allowed to fall into arrears, as they were not able to pay—some of them as much as six years' rent. When the times improved the tenants paid their rents punctually enough; but the agent still kept the arrears on the rent book, and when the late Primate died all the tenants who were able to pay were processed and made to pay these old arrears. But a large number of these arrears are still due—three or four years; so that if there is not some provision made for cases like this, the Land Act will be of very little benefit to a large number of people."

Such cases as these the Court could reasonably take cognizance of.

MR. DE LA POER BERESFORD said, that the tenants on the estate referred to had been treated, perhaps, better than any other tenants in County Cavan or in any other part of Ireland. Few of them had been processed, there had been hardly any ejectments, and where such things had occurred the tenants had been re-admitted as caretakers. There were very large arrears due, yet no one had been put out. The tenantry had been treated with the utmost kindness both by the late Primate and by Lord Charles Beresford.

MR. BIGGAR said, he had stated that the late Primate of Armagh had treated his tenants in a most kindly manner, and he had said the same of the present landlord. He had no charge to make against the proprietor of this particular property; but what he wished to observe was, that this was a case in point. Large arrears were due, and such an Amendment as that proposed by the hon. and learned Member for Tyrone (Mr. Litton), if carried, would give an opportunity to the Court to take the case into consideration and, if necessary, to wipe off the arrears. Though the Beresford family might not act in a tyrannical manner towards their tenants, there were other landlords in Ireland of whom this could not be said. There were some who would extort the last penny from the unfortunate tenants.

MR. LITTON said, that after the discussion which had taken place he would not press the Amendment.

Amendment, by leave, *withdrawn*.

MR. PLUNKET said, he rose to propose an Amendment which stood in the name of the hon. Member for Great Grimsby (Mr. Heneage). The object of it was this—Now that an opportunity had been given to the tenant to proceed to sell where proceedings were taken against him, and to ask the Court to fix a judicial rent for the holding, the landlord should be enabled to apply to the Court to direct that the tenancy in the holding should be sold. Either the tenant had the money to pay or he had not. If he had it he ought to pay it, and the policy of the earlier portion of the measure was that he should sell, and, out of the proceeds, pay his just debts to the landlord. The Amendment was to prevent the landlord being obliged, under the circumstances contemplated by the clause, to proceed further with ejectment proceedings. He might receive directions from the Court that the tenancy was to be sold, and that, out of the sale, the debts to the landlord should be paid. He was aware that other Amendments had been postponed after the statement of the Government; but this particular proposal did not run on the same lines. Therefore, he should be glad to hear what his right hon. and learned Friend had to say on the subject.

Amendment proposed,

In page 10, line 25, after "holding," insert "Provided that in those cases where arrears of rent may be owing to the landlord, the landlord may apply to the court to order the tenant's interest in his holding to be sold, and the purchase-money for the same to be paid into court as hereinbefore in this Act provided, and to be applied in the first instance in satisfaction of the just claims of the landlord, and as the court shall direct."—(Mr. Plunket.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, that although, no doubt, a great deal might be said for the Amendment as a mode of dealing with the case, it would bring about an entire revolution in the system of ejectment for non-payment of rent. At present the landlord's right, in case of default by the tenant, was to get back

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the holding, and the Bill was drawn in accordance with the present system. The Amendment would run entirely at right angles with that, and could not be accepted.

MR. MARUM would remind the Mover of the Amendment that the landlord had very great powers now, and it could not be desirable to supplement them.

MR. PLUNKET was sorry the Government had not been able to give the Amendment favourable consideration. As such large sacrifices had been made to get rid of the ill-blood which these proceedings occasioned between landlord and tenant, he thought the Government should have had no difficulty in accepting the proposal.

Amendment, by leave, *withdrawn*.

MR. SHAW said, he had the following Amendment on the Paper:—In page 10, line 25, after “holding,” to insert—

“Provided that if in any district scheduled in the Relief of Distress (Ireland) Acts 1880 and 1881, on hearing the case it appears to the Court that the arrears of rent accrued during the years 1877, 1878, and 1879, and were the unavoidable result of bad seasons and the failure of crops, the Court may reduce such arrears by one-third and give a decree for the balance. And the Land Commissioners may out of moneys in their hands advance the other two-thirds, one-half of such advance to be a free grant and the other half to be repayable by the tenant without interest in five yearly instalments, such instalments to be collected by the guardians for the relief of the poor in each union.”

He did not propose to move the Amendment, because, under the Resolution of the House of May 30, the Committee had no power to deal with it.

MR. PLUNKET said, that, in the absence of his right hon. and learned Colleague, he would move the next Amendment, which was in his (Mr. Gibson's) name. He thought the proposal was obviously just and fair, and trusted that the Government would not resist it.

Amendment proposed,

In page 10, line 25, after “holding,” insert “After judgment or decree in ejectment for non-payment of a judicial rent, and where a decree of possession or writ of habere facias possessionem of the holding has been executed, the landlord shall from thenceforth hold the holding discharged from the tenancy and freed from any claim save one for restitution or redemption made within six months after the date of such judgment or decree in ejectment.”—*(Mr. Plunket.)*

*The Attorney General for Ireland*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment, as it would be directly contrary to the paragraph they had just passed.

MR. GIBSON said, he did not think the right hon. and learned Gentleman had seized the point of the Amendment. Its object was to introduce certainty for uncertainty, as to the redemption period. The period, he thought, ought to be within six months of the date of the judgment decree. As the Bill stood, during the redemption period the landlord was practically unable to do anything with a farm. He could not effect any permanent improvements. He must leave it often derelict and worthless to himself and to the community, in consequence of the instability of the redemption period. At present they could not tell when the redemption period would begin, as it ran, not from the certain date of the decree, but from the uncertain date when the landlord might be able to execute it. He did not think that the objections as to the question of antecedent drafting were at all affected by this proposal. The earlier portion of the section gave the power of selling to the tenant. He had no objection to the insertion of the words “subject to the aforesaid rights of the tenant;” and, whatever might be his own opinion, he did not now question that the purpose of the Amendment was what was done in the 1st sub-section of Clause 13. In the case of tenancies subject to judicial rent, he certainly thought the landlord should have the redemption period fixed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) admitted that there was a good deal in what the right hon. and learned Gentleman had said; but the practical difficulty was met by the landlord putting back the tenant as a caretaker. However, whether the period of redemption began with the date of the eviction or the date of the judgment, the same difficulty existed during the interregnum. He hoped that any great difficulty which had hitherto existed would be overcome by other parts of the Bill. The difficulty had arisen in this way. The tenant not being able to sell, and his only hope being the chance of getting a sum of money in some other way, the landlord was left, to a certain extent, in a state of uncertainty; but

now the tenant, when pressed by the landlord for the rent and unable otherwise to pay, would, within the time allowed him, sell his tenancy, and then everybody would be happy. The landlord would get his money, and the tenant would have something left in his pocket. It would be better to leave the clause unaltered. The period of six months was already given after the execution of the decree. That was contained in an earlier clause. The tenant might sell his holding; but what was now proposed was to cut down the redemption period; and that was entirely contradictory of the first part of the clause, which gave six months as the period after eviction. All that was proposed in this Amendment was that after judgment, or where a decree had been executed, the landlord should hold the land discharged of the tenancy.

MR. MARUM thought the effect of the Amendment would be to cut down the six months; but six months was an equitable period, and he objected to the Amendment, which would be contrary to all principles of equity.

MR. GIBSON asked permission to withdraw the Amendment; but stated that on Report he should present in a clearer way, and earlier in the clause, an Amendment challenging the whole principle of this redemption period, because he did not recognize that when they were doing everything for the tenant they should do nothing to simplify the rights of the landlord.

MR. P. MARTIN mentioned that in the Fixity of Tenure Bill of the late Mr. Butt, instead of the six months' period for redemption, the tenant was given the six months additional to pay his rent. The tenant thus could not be sued in ejectment for non-payment of rent for some 18 months. Now, under the present system, the tenant had the same time to redeem; but if unable to meet his rent, the useless and unnecessary costs incident to an ejectment and the execution of the *habere* had to be incurred. Having regard to the fact that under the provisions of the present Bill the tenant had the right of sale, he considered additional reasons now existed for giving effect to the course suggested by Mr. Butt. Let the right of redemption be abolished, and tenants have that period of six months within which to pay the year's rent, without being

subjected to the costs of an action of ejectment. This would be infinitely preferable to the complicated proceedings under this Bill, with all the costs which would be thus unnecessarily incurred prior to the selling of the tenancy. He would suggest that the hon. Member should propose that period when the Amendment was brought up again.

MR. MACARTNEY hoped an alteration would be made in the clause. If the landlord obtained a decree of ejectment he had to go and take possession. He then put the tenant back for six months, during which he might redeem the farm; and it would be simpler that the decree should give possession to the landlord in six months from the date of the decree, and that the tenant should have the right to go on until then.

THE CHAIRMAN: The last two speakers have discussed provisions that are not in this proposal at all. The Question is whether this Amendment shall be withdrawn.

MR. MACARTNEY thought he was quite at liberty to discuss an alternative to the Amendment, and said he had heard several suggestions made by other hon. Members of a similar kind.

Amendment, by leave, *withdrawn*.

On the Motion of Sir MATTHEW WHITE RIDLEY, Amendment made in page 10, line 25, after the word "holding," by inserting—

"But subject to the provisions herein contained such application shall not invalidate or prejudice such judgment or decree which shall remain in full force."

On the Motion of Mr. GIBSON, Amendment made in page 10, line 28, after "tenant," by inserting "and on such terms and conditions as the Court may direct."

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made, after sub-section 2, by adding, "or in the case of ejectment for non-payment of rent redeem the tenancy."

SIR WALTER B. BARTTELOT, in moving to introduce, in page 10, line 28, the words—

"Provided always that the Court shall be satisfied that such enlargement of time will not prejudice the landlord in the recovery of any rent or arrears of rent due to him or otherwise,"

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said, that they had heard a proposal made by which the landlords were to lose a certain amount of their arrears by a certain payment being made to them; but he was quite certain that neither the right hon. Gentleman nor the Government would wish that that should be a precedent, but that they would wish all arrears of rent which were justly due to the landlord should be fairly and properly paid. There had lately been an exceptional period, which, of course, made a difficulty; but all hoped that this time would not recur in the future. It was because he believed that it would be unfair, unjust, and unwise that the landlord should not be able to recover his arrears, that he moved this Amendment.

#### Amendment proposed,

"In page 10, line 29, after "sale," insert the words "Provided always that the Court shall be satisfied that such enlargement of time will not prejudice the landlord in the recovery of any rent or arrears of rent due to him or otherwise."—(*Sir Walter B. Barttelot.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think the hon. and gallant Baronet, on reconsideration, would deem the Amendment necessary. The clause as it ran now read—

"Where the sale of any tenancy is delayed by reason of any application being made to the Court, or for any other reasonable cause, the Court may, on the application of the tenant, enlarge the time during which the tenant may exercise his power of sale."

That made it clear that there must be a reasonable application, and that anything unreasonable, as prejudicing the right of the landlord, would be refused. The Court had also power to impose any conditions it thought fit before granting an application. He hoped, therefore, that the hon. and gallant Baronet would be satisfied with that provision.

Mr. MARUM pointed out that this was not a compulsory proposal, but simply that if the landlord and tenant agreed an advance should be given. It was not a proposal cutting down rent, but an arrangement which the landlord might accept if he pleased.

Question put, and *negatived*.

*Sir Walter B. Barttelot*

Mr. GIBSON proposed, in page 10, line 30, after the word "tenant," to insert the words "of a present tenancy."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think the Amendment necessary, for unless the Bill was completely altered the right of appealing to the Court to fix a judicial rent would be confined to the present tenant.

Mr. GIBSON said, he was aware that in the earlier drafting of the Bill no one but the present tenant could appeal, and that the future tenant could not appeal; but that was just his point. If hon. Members would read the drafting of the clause, they would find that it was an unqualified declaration, which might give a new right. It was in order to guard against that that he proposed this Amendment.

Question, "That those words be there inserted," put, and *agreed to*.

On the Motion of Mr. GIBSON, Amendment made, in page 10, line 34, after the word "framer," by inserting "in such terms and conditions as the Court may direct."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he proposed to introduce a new paragraph after the last Amendment. The object of the clause was to enable the Court, in the case where an ejectment was brought for breach of the statutory conditions other than the non-payment of rent, and where the Court was satisfied that the landlord could be fully compensated by damages, to deal with the case accordingly. He proposed, therefore, that where notice to quit could be served by the landlord upon the tenant during the statutory term consequent upon a breach of the statutory conditions, the tenant might, at any time before the commencement of the actual proceedings, apply to the Land Commission, and, if ejectment proceedings had commenced, might apply to the Court to stay them; and then, if the Court or Commission was of opinion that adequate compensation for breach of the condition could be made by compensation, the tenant should be relieved of the liability to eviction on payment of damages to such an extent as the Court might award. There would then be no injustice done. It would, in effect, be simply the introduction into the

clause for the enforcement of the statutory conditions the usual power given to a Court of Equity.

**Amendment proposed,**

In page 10, line 41, at the end, to add as a new sub-section, the words,—“(4.) Where a notice to quit is served by a landlord upon a tenant for the purpose of compelling the tenant to quit his holding during the continuance of a statutory term in his tenancy in consequence of the breach by the tenant of any statutory condition other than the condition relating to payment of rent, the tenant may, at any time before the commencement of an ejectment founded on such notice to quit, apply to the Land Commission, and after the commencement, or at the hearing of any such ejectment, may apply to the Court in which the ejectment is brought, for an order restraining the landlord from taking further proceedings to enforce such notice to quit.

“If the Land Commission or Court to which such application is made are of opinion that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from the liability to be compelled to quit his holding in consequence of such breach, the Commission or Court may make an order restraining further proceedings on the notice to quit, upon the payment by the tenant of such sum for damages as they shall then, or after due inquiry, award to the landlord in satisfaction for the breach of the statutory condition, together with the costs incurred by the landlord in respect to the notice to quit and the proceedings subsequent thereto.

“If the Land Commission or Court are of opinion that no appreciable damage has accrued to the landlord from the breach of such condition, and that the tenant may justly be relieved as aforesaid, they may make an order restraining further proceedings on the notice to quit, upon such terms as to costs as they may think just.”  
—(Mr. Attorney General for Ireland.)

Question proposed, “That those words be there inserted.”

MR. LITTON observed, that the object in view seemed quite correct, except in one particular; and he would propose to add, after the word “thereto,” a second paragraph—

“Provided the Court may, if it think fit, in place of awarding payment to the landlord, direct the amount awarded to be laid out in making good any injury to the holding when the breach of the condition complained of relates thereto.”

It was true that a remedy was afforded by the clause; but it might so happen that the landlord might take the amount awarded and put it into his pocket, and allow the injury to remain a continuing injury where it affected a matter of repairs. It would be desirable that the

Court should have the power to direct that that amount could be expended in restoring premises to their proper condition. That was the form of the Proviso he moved on the 4th clause, and he thought it would commend itself to the Committee.

**Amendment proposed to the said proposed Amendment,**

In line 20, after the word “thereto,” to insert the words “Provided the Court may, if it think fit, in place of awarding payment to the landlord, direct the amount awarded to be laid out in making good any injury to the holding when the breach of the condition complained of relates thereto.”—(Mr. Litton.)

Question proposed, “That those words be inserted in the proposed Amendment.”

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not see that there was any necessity for the Amendment; but he was not unwilling to accept it.

SIR JOSEPH M’KENNA said, he saw no reason for the Amendment. The Court had power to award damages for breaches of conditions, and he did not think the Committee ought to travel beyond that. If this Amendment were accepted it would only give additional grounds for litigation between landlord and tenant.

MR. MITCHELL HENRY regretted that the Attorney General for Ireland had adopted the Amendment without further discussion. The Amendment would have no effect except to complicate the Bill, and that would greatly tend to litigation. If the Amendment were adopted, it would necessitate the appointment of a number of surveyors to determine how the money was to be laid out.

MR. HINDE PALMER observed, that the terms of the clause as to statutory conditions were very strict as against the tenant, who was to be subjected to forfeiture upon breach of any of the statutory conditions, some of which were very technical. The object of the clause was, as he understood it, that if the Court thought that, notwithstanding the breach of conditions, the landlord could be placed in the same position as he had been, the tenant should not incur liability to ejectment.

THE CHAIRMAN: I am afraid the hon. and learned Member is going to a point which is not in the Amendment.

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MR. HINDE PALMER added that he thought the Amendment hardly went far enough. His idea was that where a restoration was to be made in regard to damages or otherwise the Court should, if it saw its way to doing so, relieve the tenant from forfeiture. This mode of amending the Amendment did not go as far as he could wish; but, to a certain extent, it effected the object of the Amendment which he had prepared to move at an earlier stage of the Bill.

MR. A. J. BALFOUR pointed out that one of the statutory conditions related to deterioration of the soil, and asked how it would be possible for a tenant to pay a sum of money to be spent in restoring the soil? It took years to restore the soil, and it could not be done by lodging a sum of money in Court.

MR. LITTON remarked, that this was only a permissive and alternative clause, and that it was not necessary that the Court should direct that the money should be laid out in restoring the premises. The soil could be restored by the Court ordering money to be spent on manure for the land; but the point was that power should be given to the Court to have the damages awarded laid out as it thought fit. He believed it would have the contrary effect to increasing litigation. If the landlord was to have a sum of money paid to him he would always be on the watch for an opportunity of making a claim, and that was to be strongly deprecated. If, however, he knew that the Court might order the money to be laid out on restoration, he would not have that inducement. It was to the interest of the tenant to be sure that the money would be expended on the land, and to the interest of the landlord to have his premises restored to their former condition.

MR. SHAW said, he would suggest the introduction of more general words, instead of special directions. He thought it would be better to give the Court discretion to apply the money in some way for the benefit of both parties.

LORD JOHN MANNERS said, the last argument of the proposer of this Amendment was that the Court should be at liberty to expend the money to be paid into Court in certain agricultural operations at its own discretion. That would make the Court an agricultural

machine for the whole of Ireland; but who were to be the skilled agriculturists who were to superintend these operations under the Court? Were they to be the County Court Judges? Were they to instruct the tenant how to lay out the money? The hon. and learned Gentleman had left the Committee totally in the dark on that point, and all he could make of the proposal was that it was to whittle away still further the security of the landlord. The Amendment cut directly against the statement of the Prime Minister that the Bill did not contemplate setting up perpetuity of tenure, and he hoped it would be withdrawn.

MR. GIVAN observed, that the Amendment gave an alternative to the Court to award damages, if it thought fit, where notice to quit had been served, and, instead of giving the money to the landlord to put in his pocket, to direct that it should be laid out in making good the breach of conditions. Surely the hon. Member for Cork County did not mean that the Court should wander from the specific complaint of the landlord and direct the money to be laid out in something else. He was opposed to statutory conditions; and he thought the Amendment, coupled with that of the hon. and learned Member for Tyrone (Mr. Litton), would so alleviate the stringency of the provision as to take away its effect altogether.

MR. GIBSON said, he questioned the wisdom of the Amendment to the Amendment, for there was nothing a Court so rigorously guarded itself against as making itself responsible for expending money. It was easy to say the Court should direct the money to be spent on the holding; but if they did that they must impose, as a corollary to it, the responsibility of seeing the order carried out. What machinery had the Court for doing that? He thought it would be better if the hon. Member would be satisfied with the discussion, and re-introduce his proposal on Report.

MR. MACARTNEY thought the argument of the hon. and learned Member for Tyrone (Mr. Litton), that landlords would be on the watch for grounds of claim, an extraordinary one. Was a tenant to make compensation for the taking away of turf by sending the landlord so many cart-loads of turf, or so many cart-loads of stone for stone taken out of a quarry,

or was the spreading of so much manure over the land to be compensation for deterioration of the soil? It seemed to him that the argument of the hon. Member was one of the strongest possible arguments for the proposal of the Attorney General for Ireland, for it would interfere with what had been already done.

SIR JOSEPH M-KENNA said, he hoped the hon. and learned Member would not persevere with the Amendment, and urged him to adopt the suggestion to bring it forward again on Report, so that it might be discussed after the Committee had seen it on the Paper. Having had a good deal of experience in such matters as a landlord, he believed the Amendment would lead to more litigation than any other Amendment of as many words in the Bill. A small fine in money would be sufficient to deter a tenant from injuring a holding.

SIR GEORGE CAMPBELL said, he thought the Amendment a very innocent one; but he felt it would be better not to press it to a division.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law) admitted that the proposal was deserving of consideration, and if the hon. and learned Member would withdraw it he would undertake to consider it before Report.

MR. LITTON said, he would assent to the right hon. and learned Gentleman's suggestion.

Amendment to Amendment, by leave, *withdrawn*.

Amendment proposed to the proposed Amendment, in line 21, to leave out the word "appreciable," in order to insert the word "substantial."—(Mr. Givan.)

Question proposed, "That the word 'appreciable' stand part of the proposed Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law) said, he could not accept the Amendment.

Amendment to the Amendment, by leave, *withdrawn*.

Original Amendment again proposed.

Question proposed, "That those words be there inserted."

MR. GIBSON said, he had now to offer a short criticism on the Amend-

ment, and give the reasons why he could not support it. He objected to the Amendment because, in the first place, it retained a notice to quit, which was a long and most dilatory process, as the sole means by which a landlord, no matter how much aggrieved, could enforce the statutory conditions. He did not think it fair to tell the landlord that the only remedy he had was one which could only fructify in 12 or 15 months after the grievance complained of; but that was what was sought to be stereotyped in the early part of this Amendment. What was the power to be given to the tenant? Not the power of speedily going to the Court and asking relief. Suppose a landlord was compelled to serve notice to quit, what was it that the tenant might do to intercept the remedy of the landlord? They did not say that the tenant must come with all possible speed to the Court, and ask to be relieved on payment of damages or the performance of the just conditions of his statutory term. Nothing of the kind; but they proposed to give him, by the studious and deliberate drafting of the Amendment, not only the period of 12 months during which the notice to quit must run, but, as the proceedings could only be taken at the expiration of the 12 months' notice, and this might involve another period of six months, he would have a period of 18 months in which to make up his mind. If they gave an equitable right to the tenant to step in and interrupt the plain legal right of the landlord, they ought, at all events, to see that some equivalent should be conferred on the landlord. He would now come to another point that had been raised on this question—he referred to the question of subdivision. If there was one thing in the previous discussions that had taken place on this Bill that was clear and plain, it was contained in the statements made by the right hon. Gentleman the Prime Minister, when he had, over and over again, in the clearest possible manner, indicated, in accordance with the requirements of simple justice, that he did not propose to hand over to the Court the power of making any decision enabling sub-division or sub-letting without the consent of the landlord. But, according to this Amendment of the right hon. and learned Attorney General for Ireland, the Court

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would be enabled indirectly to sanction sub-letting without the landlord's consent, because it was not proposed to except from the operation of the clause, or the relief proposed to be given in case of the breach of statutory conditions, sub-letting, or sub-division. There was, in point of fact, nothing in the Amendment to indicate in any way that a tenant sub-dividing or sub-letting his holding might not claim the intervention of the Court, if the landlord, in the assertion of the right given to him by the earlier clauses of the Bill, were to say—"I cannot permit that; that is a power which no landlord having the slightest regard to his own interest would ever permit a tenant to exercise; I therefore serve you with notice to quit as a remedy in protection of my rights." There was nothing to indicate that the tenant might not, under such circumstances, apply to the Court to exercise its power of restraint over the notice to quit. In fact, under this Amendment, it was proposed to give the Court power to say to the landlord in such a case—"We consider that this is an objection you have no right to make. It is true that there is a statutory provision which says there is to be no sub-letting or sub-division without the landlord's consent; but we have the power given to us to say that that means nothing, and that this is a matter which we can decide as one of appreciable damage." He would ask, was this construction of the Amendment what was really intended. Because, if it were not intended, then the drafting of the Amendment had been so defective that unless it were altered it must of necessity work serious injustice to the landlord. In the earlier part of the Bill this matter had been discussed, and the Committee had refused to delegate to the Court the slightest control or means of fettering the action of the landlord in this matter. He therefore put it to the right hon. and learned Attorney General for Ireland, was it meant by the wide manner in which this Amendment had been drafted to undo what the Committee had already done, and to do what the Government had said, at least half-a-dozen times over during the progress of the Bill, they would not do? He confidently asserted that the sub-section under discussion included in its terms power to the Court to indirectly condone

or sanction sub-letting; that it gave the Court power to tell the landlord who might seek to assert his dominion over a farm that was being sub-divided or sub-let—"You may have damages if the Court thinks there is a case for damages; but if the Court thinks, in its discretion, that you have incurred no substantial damage, or that the damage is something less than 'appreciable,' it may regard the sub-letting that has taken place as a matter that may be compensated for, or treated as working no appreciable harm, and may make an order restraining further proceedings on the notice to quit upon such terms as to costs as the Court may think fit." It was obvious that this was an Amendment so prejudicial to the landlord's interest, and so subversive of the principle that had heretofore been laid down, that he was unable to give it any support. There was another matter of great importance, showing that the equitable power of relief proposed to be given to the tenant was absolutely and entirely one-sided. If it were fair to give the tenant—and he did not dispute that it would be unreasonable for the landlord to avail himself of what he might call a mere technical breach, which was a matter dealt with by an Amendment of his right hon. and gallant Friend the Member for North Lancashire (Colonel Stanley)—if it were fair to give to the tenant an equitable right of this kind, they ought to put the landlord in the position of being able to say to the Court—"I have served a notice to quit that must run under the law for 12 months, and which cannot give me possession until after further legal proceedings have been taken. This man on whom I have served the notice is, in the meantime, ruining my farm, and is employing the time which the notice gives him to make the land utterly worthless to me; give me a remedy." The Government ought, in the equitable clause which enabled the tenant to go into Court and ask for relief, to enable the landlord also, when there was a grievance which threatened the destruction of his farm, to say to the Court—"Give me an order, although the notice to quit is running, at once to resume possession, so that I may save my farm from absolute ruin." This would be fair and even-handed justice;

*Mr. Gibson*

but it was not proposed to do it, and this was another reason why he was not able to give this sub-section any support whatever. He would offer one other observation. It had been said over and over again by hon. Gentlemen on the other side of the House that this was a relief from forfeiture. This was not a proper way of putting it. It had been pointed out by the Prime Minister that it was not forfeiture, but the power of directing the tenant to sell. The tenant had power, under the earlier portion of the clause, to sell at any time, so that the Committee were dealing not with a forfeiture, but with a clause that would compel the tenant, on breach of the statutory conditions, to sell. He would support the Amendment to the clause that was to be moved later by his right hon. and gallant Friend the Member for North Lancashire (Colonel Stanley), which presented the question fairly and reasonably to the Committee; and, of course, when that Amendment came on he was certain that his right hon. and gallant Friend could accept any Amendment that would render it more satisfactory to the Committee.

MR. BIGGAR said, it seemed to him that the right hon. and learned Gentleman the Member for the University of Dublin had quite forgotten to take notice of one of the leading provisions in the Amendment before the Committee, which ran in these words—

"If the Land Commission or Court to which such application is made are of opinion that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from the liability to be compelled to quit his holding in consequence of such breach, the Commission or Court may make an order restraining further proceedings," &c.

So that if the Court is of opinion that the injury to the landlord will not be fully satisfied by money damages, it might give its decision to that effect. It would be entirely discretionary to the Court after having heard the arguments upon it *pro* and *con*. This seemed to him to be a thoroughly reasonable Amendment, and he held that the objections made to it were entirely outside it. He had often thought that this matter of sub-letting would be possible between present and future tenants. He thought no real arguments had been urged against the Amendment in the speech

of the right hon. and learned Gentleman, and he hoped the Committee would agree to it.

MR. HINDE PALMER said, he was very much inclined to think that the proposed Amendment of the right hon. and gallant Gentleman the Member for North Lancashire (Colonel Stanley) met his views of the real position of the case much better than the Amendment of the hon. and learned Gentleman the Member for Tyrone (Mr. Litton). He thought the better course would be for the last-named hon. and learned Member to withdraw his Amendment, so that the Committee might come to that of the right hon. and gallant Gentleman, which he believed would more nearly meet the justice of the case.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would answer one or two of the grounds on which his right hon. and learned Friend (Mr. Gibson) had objected to the Amendment. He had first dealt with the case of sub-letting and sub-division; and he thought he could relieve the question of all difficulty with regard to these breaches, by the simple statement that the statute prohibited sub-letting and sub-division, and consequently any such act by a tenant would be absolutely void, and the Court would have no power to make such a transaction good. When the Courts found that a statute said it should not be lawful to do a thing, any attempt to do it had been held to be absolutely void; so void, indeed, was it, that in the case of an assignment without the consent of the landlord, when required, the landlord could not even sue the assignee for rent. Therefore, sub-division, sub-letting, or assignment without the consent of the landlord, might be regarded as simple nullities. Under the 8th clause, too, the Court would have power to require the tenant to undo the sub-letting before it gave him the relief he sought. With regard to the time during which the notice to quit would run, it was not intended to give the landlord any new power. He hoped the Amendment would be accepted by the Committee.

SIR WALTER B. BARTELOT said the matter was one that certainly involved great difficulty. His right hon. and learned Friend was perfectly accurate in his statement when he had said that the Court would have power to deal

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with cases in which there was sub-letting. The right hon. and learned Gentleman the Attorney General for Ireland had said that this would not be the case; but he (Sir Walter B. Barttelot) could only read the language of the Amendment, which said—

“If the Land Commission or Court are of opinion that no appreciable damage has accrued to the landlord from the breach of such condition, and that the tenant may justly be relieved, as aforesaid, they may make an order restraining further proceedings on the notice to quit, upon such terms as to costs as they may think just.”

That was plain and simple English language, and surely it gave power to the Commission or Court to deal with a case of sub-letting. The Court under that section might think it right that a 100 acre farm should be divided, and that the tenant ought not to pay damages for such sub-division. To empower the Court to take it out of the landlord, and authorize what he had striven to prevent during the whole time he had had possession of his estate, was neither equitable nor just. He asserted that this question was involved in the Amendment; and he held that sub-division, as carried on in many instances, especially in the West of Ireland, was a curse to the country. The Prime Minister, up to that moment, had endeavoured to provide that sub-division should not take place; but now they had an Amendment moved by the Attorney General for Ireland which would enable sub-division to proceed, and which gave the Court power to sanction it in cases where it might not be thought to be detrimental.

MR. MITCHELL HENRY said, there was no doubt that this clause did weaken the effect of the statutory conditions. He was not sorry to see some of the statutory conditions weakened; but he was exceedingly sorry to see the statutory condition against sub-division or sub-letting weakened in any way. As it was, no tenant could sub-divide or sub-let his holding without the most positive knowledge that he was doing that which was contrary to the law. There was no doubt that there was a class of tenants whose condition was the cause of much of the difficulty that had to be contended with; and the sub-division going on among this class in the West of Ireland was, as had been said, a curse to the country. To allow the feeling to grow up in the mind

*Sir Walter B. Barttelot*

of the tenant that he might continue to sub-divide in the quiet and unostentatious manner in which he was at present doing it, and might afterwards trust to the clemency of the Court to get him out of the difficulty, would be highly injurious, not only to the property so dealt with, but to the tenants themselves. He had a tenant on his own property whose rent was £20 a-year. He had a fine farm of good grazing land, and was a prosperous man. He had four sons; and when he died, the sons wished to sub-divide, each to have a farm of the value of £5 a-year. He (Mr. Mitchell Henry) very foolishly, and with absurd good nature, permitted them to do this; and what was the consequence? Two of those tenants had ever since been in a position of absolute pauperism, and the whole family were constantly quarrelling with each other, and there was no peace in the neighbourhood, and, except in the case of one of the brothers, who had some money, there was no prosperity. The same sort of thing would go on if this sub-section were carried. The tenants would do with the Court exactly what his tenants had done with him. They would sub-divide, and trust to the Court to condone the offence. He had condoned the offence; in fact, hitherto no one could help himself in such a case in the West of Ireland. He should like to know how was the Court to get rid of the persons who had been put on the land which had been sub-divided? If they resorted to the process of eviction, they would have all the difficulties which had arisen before with regard to eviction. He earnestly hoped that as the Attorney General for Ireland had excepted from the sub-section one of the statutory conditions—namely, the payment of rent—he would also except sub-division. He wished to see it impressed on the minds of the people that they must not sub-divide their small holdings, and hoped that in the interests of the small tenants in the West of Ireland the sub-section would be accordingly amended.

SIR R. ASSHETON CROSS said, he wished to put a question to the right hon. and learned Gentleman the Attorney General for Ireland. What the Committee wanted more information on was this. It was clear that the tenant ought not to sub-divide or sub-let, and the Attorney General had said it was illegal.

Supposing a tenant had sub-divided or sub-let, and the landlord wanted to turn him out, and the tenant then went to the Court for relief, according to the sub-section the Court could declare that no appreciable damage had accrued to the landlord from the breach of the statutory condition, and might make an order restraining further proceedings on the notice to quit. In the earlier part of the Bill the Committee decided clearly that without the consent of the landlord no sub-letting or sub-division should take place, even with the consent of the Court. What he wanted to know from the right hon. and learned Gentleman the Attorney General for Ireland was whether the landlord might not, under this Amendment, find himself saddled with tenants who might sub-let or sub-divide, and where he might not be able to show appreciable damage, the Court might grant relief as against the landlord?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that sub-letting or sub-dividing, one or the other, was alike forbidden by the Bill. It was not a mere matter of contract; it was a statutory prohibition. Any act of sub-letting or sub-division would therefore be simply void; and if people were in under it for 20 years, they would have no better title than if they had been in but for a day. Well, then, how was it to be got rid of? What would happen? The landlord would serve notice to quit, and the tenant would go to the Court for relief. By the statute, every application of the tenant was to be considered on its merits, and might be acceded to or not upon such terms and conditions as the Court thought fit. Suppose there was a sub-tenancy created, or attempted to be created—for without the landlord's consent such a thing could not exist in point of law, but only physically—and an attempted sub-division of the land, which again was a wholly illegal act, he did not believe that any Court would consider that the tenant could be justly relieved from such a wholly illegal act for which, technically, he could be prosecuted, unless he did his best to undo the wrong that he had done. His right hon. and learned Friend opposite and others seemed to confine their attention too much to the first point—namely, the question of damages. But there was a second and more important condition

that the tenant must perform before he could get relief, and that was to show that he had a just right to relief; and a man who had deliberately broken the statute would not be entitled to relief. It was difficult, of course, dealing with a general clause like that, and statutory conditions of varying importance, to deal with them all in general words; and he did not see how to deal with them except by transferring to a proper tribunal the task of considering whether a particular case was entitled to relief or not. But what were they to do if they did not give to the Court the power to deal with a technical breach of the statute? Suppose a tenant did commit a breach of that kind—that, for instance, he had sub-let for a few days, but undid the wrong before he went to the Court—was the landlord to be at liberty to insist upon the technical breach he had committed, though the sub-letting had remained in force, say, only for a week? It might be said that no decent landlord would do so, and he did not think there were many who would; but such things were possible, and they must give the tenants some security against some landlords who would do so. The only way, therefore, to proceed was to devolve upon the Court the obligation of saying whether the tenant, under all the circumstances, could be justly relieved from forfeiture, and also to give them the power of imposing on the tenant any terms which they might think just. All the conditions except non-payment of rent were liable to be enforced by a notice to quit, followed by ejection. He supposed it was not intended that for a mere nominal breach the tenant was to be left at the mercy of his landlord, as there were some, though he trusted but few, who would take advantage of it. If, therefore, they did not wish that for some technical breach, such as sub-letting for a day, the man should be without the slightest redress, let them leave the matter to the Court. Before the Court could act it must be satisfied that the tenant was justly entitled to relief; and no man could justly claim to be relieved from the consequences of his own acts if he persisted in those acts, knowing them to be illegal. He thought they might fairly trust the Court to deal with a matter of that kind.

LORD JOHN MANNERS said, that the last sentence of the right hon. and learned Gentleman was very different



from his opening declaration that by the law, as it stood, and by that Act, sub-letting and sub-division were absolutely illegal, and, therefore, could not receive the relief purposed by that Amendment. By the last sentence, he concluded that the Attorney General for Ireland did look to certain cases of sub-letting which might be included in the provisions of the Amendment. Now, he should like very much to know which of these views the Committee was to understand was the real view entertained by the Attorney General for Ireland? The view placed before them by the hon. Member for Galway County (Mr. Mitchell Henry) was very clear and distinct. If the Attorney General meant that sub-division should be prevented by law and by the Amendment he had just submitted, he would suggest that the whole of the difficulty the Committee found itself in sprang from the phraseology of the first few lines of the Amendment. In the first few lines it was stated distinctly that where a notice to quit was served by a landlord upon a tenant for the purpose of compelling the tenant to quit his holding during the continuance of a statutory term in his tenancy in consequence of the breach by the tenant of any statutory condition other than the condition relating to payment of rent, the tenant might, at any time before the commencement of an ejection founded on such notice to quit, apply to the Land Commission, and after the commencement, or at the hearing of any such ejection, might apply to the Court in which the ejection was brought, for an order restraining the landlord from taking further proceedings to enforce such notice to quit. Well, now, what must be the conclusion the tenants would draw from that phraseology? They would say—"This clause is intended to relieve us from any one of the breaches of the statutory conditions with the single exception of non-payment of rent." Therefore, if it were the intention of the Government not to permit sub-division and sub-letting, he should say, in fairness to the tenantry, it was right that the words should be enlarged, and that sub-division and sub-letting should be made an exception, as non-payment of rent was already made. He would suggest, when they came to the Report—if the Amendment were carried, which he hoped it would not be

*Lord John Manners*

—that the Attorney General for Ireland should insert words to that effect.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he really did not feel the difficulty which the noble Lord suggested about the matter, nor did he admit the irreconcilability of his statements. As a legal act, sub-letting and sub-division were null and void; but the fact remained, and perhaps the transgressor was on the land. That was not a legal question, but was simply a matter of fact. What the hon. Member for Galway County (Mr. Mitchell Henry) wanted to know was what would happen then? The holder would have no legal title to the land, and the man who put him there could evict him at once. That had been done before. The difficulty of the noble Lord was to know how his words were consistent. How was the difficulty to be got over if the people were there and the land parcelled out? Under the clause of the Bill as it stood the performance of any condition might be required, and the tenant must show that he was justly entitled to the relief he asked for. Well, his answer to that was that no man was entitled to relief if, after having endeavoured to break a statutory condition and transgress the law, he insisted on still maintaining his unlawful position. But if he had undone the wrong and got back into the land, as soon as he had discovered that he had done wrong, and had then been proceeded against by ejection for the breach of condition, he ought to be deemed entitled to relief. The whole thing would work without the smallest difficulty. With regard to the exception made for the case of non-payment of rent, there was a reason for that exception, because there was a difference of proceeding in it as contrasted with other breaches. In cases of non-payment of rent there was the special form of ejection, with its complete provisions for redemption of the holding. They were now merely asked to allow the tenant in other cases to go to the Court and show that the landlord would be in just the same position as ever he was by the payment of damages, and that the tenant was justly entitled to relief, and to provide that if the Court were satisfied on those points, then they might grant the relief sought.

MR. GIBSON said, that his right hon. and learned Friend had just re-

marked that they might trust to the discretion of the Court. But he said that they could not trust the discretion of the Court if they allowed it to override what they had previously said should rest absolutely in the sanction of the landlord. Supposing a man on a farm of 200 acres were to sub-let it to four thoroughly respectable solvent men. It might be true that under the words "it shall not be lawful" they would have no legal estate; but if they had the possession the landlord had only the power of serving them with a notice to quit on which to found an ejectment. What good was that to him? The only remedy he had they took away by giving the Court the liberty of saying—"You have suffered no appreciable damage; you have four solvent tenants on your land, and therefore we will give you nothing."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he wished to call attention to the second condition, which was, that the tenant must be justly entitled to the relief he sought.

MR. MARUM said, he would not go into the details of the matter. He thought the objections to them had been satisfactorily answered. But, upon the general principle of the measure, he must remind the Committee that one of the greatest objections to the Bill was the difference between these present and future tenancies, which made the severity of the statutory conditions. Public opinion with regard to the acceptance of the Bill in Ireland depended very much upon the question of whether the severity of the statutory conditions would be mitigated or not. He assured hon. Members that that question was so strongly felt that a meeting of the Catholic hierarchy had been held, at which a most emphatic resolution was passed and forwarded to the Prime Minister, asking him to do away with the distinction altogether.

MR. MITCHELL HENRY said, he was so greatly against turning any man out of his holding for breaches of statutory conditions that he would be disposed to go even further than the Bill. He should vote for the Amendment, because he did not think it was a just thing to turn out men on that account. But he should vote with very much greater pleasure if the Attorney General for Ireland would put in some words

which would make it compulsory on the Court not to give relief in cases of sub-division until the wrong had been redressed. Almost all the Gentlemen who had spoken in that debate had represented constituencies in the North and South, and they had not spoken of the West. His contention was entirely in the interest of the country. Sub-division was the curse of the Western portion of Ireland, and it was perfectly true that under that Bill sub-division would be illegal and perfectly null and void. It was illegal now; but it went on every day, and they could not stop it. What he wanted was to prevent the notion in the minds of the tenants that it was a thing that could be done, and that they could continue to sub-divide their holdings in the most reckless manner. Let them take the case of a farm at £20 a-year, sub-let to four solvent tenants. The Court might very well say that those four young fellows could just as well pay their £5 apiece as one pay £20, and, therefore, that no such injury was done as would compel those tenants to go out. Well, he thought the very greatest injury was done, not merely to the landlords, but to the tenants themselves. Where lands were sub-divided they became simply homes of pauperism. He would rather that the Attorney General for Ireland should consider on Report whether he could not insert some words which would make clear to the tenant classes that which ought to be made clear to them—namely, that the Court would not sanction sub-division, but that they would compel restitution of the holding in the condition in which it was before it was sub-let.

MR. GLADSTONE said, that before a tenant could go before the Court adequate measures would have to be taken to make everything in the nature of compensation for damage that had been done to the landlord. Those measures ought not to be limited to sub-letting only, but to all breaches of statutory conditions.

SIR WALTER B. BARTELOT said, that if that were the opinion of the Prime Minister and his Legal Advisers, how easy it would be to introduce some words to carry it into effect at that present moment; and he would suggest that the words should be added—"And that the breach complained of no longer exists." The Attorney General for Ireland

had stated that if the breach was in regard to some technical matter it would be very hard to turn the tenant out. But the first thing the tenant had to do was to say—"I see I was wrong, and the breach of which the landlord complains no longer exists." Those words would materially improve the Bill; and he ventured to ask the Attorney General for Ireland whether he would not add to his Amendment—"And that the breach complained of no longer exists."

MR. T. D. SULLIVAN said, that it seemed to him that the object of the Amendment was to enable the Court to exercise to some extent the faculty of mercy. Now, in most offences there was a maximum and a minimum punishment; but, without that Amendment, the Court would have no option but to allow the landlord to evict the tenant. A great deal had been said on the subject of sub-division, and they had been told that it was the curse of Ireland. It had been already stated, and it was true that in some cases sub-division was very injurious; and it was equally true that there was great opportunity for sub-division in many parts of Ireland, with great advantage to the public interest. He hoped the Amendment would be passed. He thought it a great hardship that for every breach of statutory conditions there should be only one punishment—namely, eviction.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that he was afraid the words suggested by the hon. and gallant Baronet would not be of any use. It would be difficult to insert the words now; but he was perfectly ready to undertake to consider before the Report whether they might not insert some words providing that the tenant must restore matters to their former condition.

MR. BIGGAR said, that what the hon. Member for Galway (Mr. Mitchell Henry) seemed to want was that someone else should put the law in motion against the tenants, instead of taking proceedings himself. The hon. Gentleman really had full power to make the tenants do as he wished; but, as he was Member for the County of Galway, he did not wish to have it announced that he himself was taking proceedings, as that would render him exceedingly unpopular among his constituents. He should like to corroborate the hon. Member for Westmeath (Mr. T. D. Sullivan)

in stating that in some cases sub-division might be very beneficial, not only to the tenant, but to the community at large, and would certainly not be in the slightest degree injurious to the landlord.

Question put.

The Committee divided:—Ayes 251; Noes 147: Majority 104.—(Div. List; No. 292.)

MR. BARRY, in moving, in page 11, line 5, after the word "ejectment," to insert—

"Upon a twelve months' notice to pay or discharge not less than twelve months' arrears of rent due at the date of such notice," and "so far as not herein otherwise provided,"

said, that unless some such Proviso as in this Amendment were inserted, the clause would operate hardly upon some tenants in circumstances largely beyond their control, and there would be no safety for a tenant in arrears. They knew very well that the fair landlords would not enforce the law harshly; but, on the other hand, there were landlords who would do so. Therefore, the effect of his Amendment would be to give the sanction of law to what was done by fair landlords at the present time. It would operate only against the harsh and mercenary landlords, and would not affect the fair landlord, who, at the present time, would not enforce the strict letter of the law. He therefore trusted that the Committee would accept this Amendment.

Amendment proposed,

In page 11, line 5, after the word "ejectment," insert "upon a twelve months' notice to pay or discharge not less than twelve months' arrears of rent due at the date of such notice," and "so far as not herein otherwise provided."—(Mr. Barry.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think it desirable to insert the proposed Amendment.

MR. BIGGAR said, this power of ejectment would only benefit the rack-renting landlords. He thought there was no harm in adopting his hon. Friend's Amendment.

Amendment negatived.

MR. GIBSON said, his right hon. and gallant Friend (Colonel Stanley) had on the Paper the following Amend-

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ment:—In page 11, line 8, after “ejectment,” to insert—

“As in the case of a power of re-entry upon condition broken contained in a lease. Provided always, that the tenant may (except in case of breach of statutory conditions as to sub-division or sub-letting) before any such proceedings are taken by the landlord, or during the pendency of the same, apply to any Court in which such proceedings might be commenced, or in which the same may be pending, for relief, and the said Court may grant or refuse relief as the said Court, having regard to the proceedings and conduct of the parties, and to all the circumstances of the case, thinks fit, and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, penalty, or other matters relative to the breach, as the said Court thinks fit,” and leave out “founded on notice to quit.”

But he thought the more convenient course would be to wait and see how the whole clause would turn out on the Report, and then, so far as they thought it necessary, they would deal with it.

Amendment, by leave, *withdrawn*.

MR. BIGGAR, in the absence of the hon. Member for Wexford (Mr. Healy), moved the following Amendment:—In page 11, at end of Clause add—

“From and after the passing of this Act the fifty-second section of ‘The Landlord and Tenant Law Amendment Act (Ireland), 1860,’ shall be read as if the words ‘two years’ rent’ were substituted therein for the words ‘a year’s rent;’ the fifty-fourth section of the said Act shall be read as if the words ‘two full years’ rent,’ were substituted therein for the words ‘one full year’s rent;’ and the fifty-eighth section of the said Act shall be read as if the words ‘two years’ rent,’ were substituted therein for the words ‘one year’s rent.’ This section of this Act shall not apply in any cases of proceedings in ejectment for non-payment of rent commenced before the passing of this Act.

“So much of the 9th section of the Landlord and Tenant (Ireland) Act, 1870, as enacts that in case of a person claiming compensation on the determination by ejectment for non-payment of rent of a tenancy existing at the time of the passing of the said Act, and continuing to exist without alteration of rent up to the time of such determination, the Court in said Act mentioned may, if it think fit, treat such ejectment as a disturbance, if the holding, subject to such tenancy, be held at an annual rent not exceeding fifteen pounds; and if the said Court shall certify that the non-payment of rent causing the eviction has arisen from the rent being an exorbitant rent shall be and the same is hereby repealed. In lieu of the words so repealed, it is hereby enacted that in case of a person claiming compensation under the said Act, as amended by this Act, on the determination by ejectment for non-payment of rent of any tenancy to which said Act applies, the Court in said Act mentioned may, if it think fit, treat such ejectment as a disturbance, if it shall appear to the

said Court that the non-payment of rent causing the eviction has arisen from the rent being an exorbitant rent.”

This Amendment would apply to few landlords. A certain proportion of the landlords had been charging excessive rents; and they had got a special advantage by their own misconduct of being able to turn out the tenant without giving compensation. The object of this Amendment was to make that class of landlords give compensation for disturbance. If a landlord were a good landlord charging only a moderate rent for his land, and wished to get possession of his holding for any reason and turn out his tenant by notice to quit, he would have to pay compensation; but, on the other hand, an exceedingly bad landlord, who charged very much more than the land was worth, would be able to put out the tenant without compensation, because the tenant would not pay more than was due to the landlord. In fact, by this clause a premium was given to the bad landlords. For this reason, he thought that this Amendment should be accepted.

Question proposed, “That those words be there inserted.”

MR. GLADSTONE hoped that the hon. Member would not persevere with the Motion he had made. The experience gained on this point under the Land Act of 1870 was not of a very satisfactory nature. There was, undoubtedly, a reason for the existence of the clause at a time when the Land Act made no effectual or general provision for getting rid of distress. This was then a great mitigation, or might have been a great mitigation, of exorbitant rents. But as they were now legislating for a machinery for getting rid of exorbitant rent and preventing its recurrence, it appeared to them to be quite unnecessary to keep alive a separate provision which contemplated the continuance of that practice. The proof before the Court had been found to be a matter of difficulty sufficient to deter the tenant to raise the question. They had now made a provision for dealing with excessive rent, and they were disposed to trust to that, and not to keep alive the fact of previous practices. It must be borne in mind that in every case now the tenant would be advantaged. He thought the proposed addition to the clause unnecessary.

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MR. BIGGAR said, the difficulty with regard to that was this—the Amendment applied to rents which were now due. It would be a very small compensation to the tenant to sell the interest in the holding, when, in point of fact, the price for the holding would not be more than the arrears which were due. This question of arrears was likely to be discussed at very much greater length at a later stage; and, as a great many Amendments would be proposed on the clause of the Chief Secretary for Ireland, he thought it better that this Amendment should not be pressed to a division.

Amendment, by leave, *withdrawn*.

MR. A. M. SULLIVAN, who had the following Amendment on the Paper:—In page 11, at end of Clause, add,—

“Provided always that as to any arrears of rent of any agricultural holding not held under lease owing at the date of the passing of this Act, the Court shall have power to stay any proceedings for ejectment for non-payment of such arrears, save as follows:—

“(1.) In any such proceedings the Court shall judge and declare what would have been a fair rent for the holding during the three years next preceding the last gale day in 1880, having regard especially to the circumstances of holdings affected by any general failure of crops within such three years;

“(2.) The Court shall ascertain how much has been paid within the said three years for, or on account of, rent of such holding, and deduct the amount thereof from the amount of the three years' fair rent declared as hereinbefore enacted; and the balance, if any, remaining may, at the option of the Court, be declared payable in half-yearly instalments over such period as the Court shall determine, and shall, for the purposes of this section, constitute during such period an addition as rent to the rent otherwise payable for such holding under this Act,”

said, he had not had the advantage of hearing the very important and interesting statement which was made on the subject by the Government to-day; but he had heard of it. The Committee would excuse him if he thought his clause worthy of the consideration of the Government as a solution of this exceedingly delicate and difficult question. Of course, he was indisposed to put the Committee to the trouble of now discussing this question. He wished merely to ask the Government, between this time and the consideration of the arguments for their own proposal, to take into consideration one feature in

his Amendment now before the Committee, which, as he gathered, was not included in the proposals stated to the House that morning—namely, some power to the Court to stay proceedings for ejectment on payment of arrears, where the Court should consider that the refusal on the part of the landlord of the terms suggested by the Government, was an unreasonable refusal. He should, therefore, ask leave of the Committee to withdraw his Amendment at this stage, in the view of considering the Government proposal when it was made later on.

Amendment, by leave, *withdrawn*.

MR. GIBSON, in moving the following Amendment:—In page 11, line 8—

“3. Where a civil bill decree has been obtained for not less than one year's arrears of a statutory rent, it shall be competent to the plaintiff in such decree to apply for and obtain from the Court making the decree an order that, unless the amount thereof be paid within a time to be named in such order (not being greater than three months from the making of the decree), the interest of the defendant in the statutory tenancy should be sold by the sheriff in like manner as chattel interests in land are now sold under a writ of Fi Fa;

“Provided—(a) That the interest so sold should be assigned to the purchaser by a deed to be executed by the Court which has made the order for sale;

“(b) That the purchaser shall be entitled to an order from the said Court, in the nature of an injunction, from the sheriff to put the said purchaser into possession of the interest which shall appear by the said assignment to have been granted to the purchaser;

“(c) Where a sale takes place under such an order, the landlord shall have no right of pre-emption,”

said, the Amendment was an attempt to simplify the procedure; and it was rather more to the interest of the tenant than to the landlord. At present, under a civil bill decree, a sale could not take place without one or two proceedings—an application to a Superior Court, and then a variety of other proceedings of rather an expensive character. This was an Amendment which sought to shorten that, and to provide machinery to control the powers of the Court. It enabled the plaintiff to make an application to the Court which must be made within three months, and then it safeguarded the whole thing by three Provisoos—namely, that the interest so sold should be assigned to the purchaser by a deed to be executed by the Court

which had made the order for sale; that the purchaser should be entitled to an order to put him in possession of the interest, and that the landlord should have no right of pre-emption. The Amendment would be largely in favour of the tenant. The Amendment spoke for itself.

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that what was proposed was, in effect, a process by which, passing over ejectionment for non-payment of rent altogether, the landlord might be facilitated in selling the tenant's interest by the process of a civil bill decree. No matter what the amount was, he might call upon the Court to make an order. He did not think such a provision was desirable, and he hoped the Amendment would not be pressed.

MR. O'SULLIVAN said, it was proposed to give to the sheriffs a new power which they never had before, to put the purchaser at once in possession, even though the title might be a bad one. Surely that was a power which the law had never before contemplated. It would place too much power in the hands of the sheriff, and he trusted that the Government would never consent to it.

MR. GIBSON said, the Amendment gave no power whatever to the sheriff, for there must be a judicial act. However, after the statement of his right hon. and learned Friend, he did not propose to carry the matter any further at that stage of the Bill.

Question put, and *negatived*.

Clause, as amended, *agreed to*.

Clause 14 (Limited administration for purposes of sale).

LORD RANDOLPH CHURCHILL moved, in page 11, line 14, after the word "fit," to insert these words—

"And who shall give such security for the due performance of the duties by this Act imposed upon him as the Court shall consider sufficient."

He thought it was necessary to provide that where the Court appointed an administrator, that administrator should give security, as he would be a person intrusted with the collection of monies, and he might have those monies in his possession for some time.

Question proposed, "That those words be there inserted."

MR. GIVAN wished to point out to the noble Lord that this Amendment was altogether unnecessary, inasmuch as when an administrator was appointed under the Act by the Court for the purpose of a sale, the money was invariably brought into Court and distributed under the direction of the Court, and it did not go into the hands of the administrator at all.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) explained that under the Land Act no security was required, because, as had been pointed out, the administrator did not carry out the sale.

MR. GIBSON was quite aware that that was so under the Act of 1870; but it had invariably been considered a great mistake, and it was right, in his opinion, that these words should be here inserted. As the clause stood at present, power was given to the Court to appoint an administrator, without there being a single word to indicate that the administrator was to give any security.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) was willing to make some alteration if it were thought necessary; but he wished to point out that the Amendment as proposed spoke of the sufficiency of the security. It would be better, he thought, to leave it to be provided for under the insertion of words "such as they may think fit."

LORD RANDOLPH CHURCHILL was quite willing to withdraw the Amendment, if the Attorney General for Ireland would propose another instead, carrying out the right hon. and learned Gentleman's own views on the subject.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 11, line 14, after the word "may," to insert the words "or such terms and conditions (if any) as they may think fit."

Question proposed, "That those words be there inserted."

MR. P. MARTIN said, he really must object to the insertion of these words. He was most unwilling to enter any objection to what were merely and simply verbal Amendments; but if they went on amending the Bill in this fashion, and

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complicating its provisions, he did not know how it was to be worked. How did the matter stand? The very same words which appeared in the Act of 1870 were already in the Bill, and gave power to the Court, if they thought fit, to appoint an administrator for certain specified purposes. Now they had experience of the working of that Act. No one alleged that the clause had worked badly or required amendment. Administrators had been appointed in a great number of cases, and had been found to work effectively and properly—and now Parliament were asked to undo all this for the purpose of inserting an Amendment which the right hon. and learned Attorney General for Ireland had very properly declared, as soon as it was moved, to be totally unnecessary. That was, in fact, a case of limited administration, where the administrator had not to pay debts or distribute the purchase money. He was merely a person who transferred, by virtue of his appointment, a legal title and possession. They were now asked to undo all this which had worked so well, and to insist upon a provision that where an application had been made to the Court for the purpose of setting up a limited administration, the administrator on being appointed should be compelled to give security. He understood that it was the object of the Government to avoid the probability or necessity of litigation in unnecessary cases; but an Amendment such as was now proposed would encourage the making of applications which in many cases would have the effect of seriously injuring the tenant. [The ATTORNEY GENERAL for IRELAND (Mr. Law) dissented.] His right hon. and learned Friend the Attorney General for Ireland shook his head; but he (Mr. Martin) had had some little experience of the course of litigation not unfrequent between landlords and tenants, and he knew how often it was that personal feelings were engendered on both sides, and that a good deal was frequently done for purposes of spite. Under such circumstances, he did not think the Committee ought to sanction such an Amendment as the one now proposed.

And it being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow*.

*Mr. P. Martin*

## MOTIONS.

### TURNPIKE ACTS CONTINUANCE BILL.

On Motion of Mr. HIBBERT, Bill to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith, *ordered to be brought in by Mr. HIBBERT and Mr. DODSON.*

*Bill presented, and read the first time. [Bill 206.]*

### CONVEYANCING AND LAW OF PROPERTY BILL.

Select Committee on Conveyancing and Law of Property Bill *nominated*:—Mr. DAVEY, Mr. CHITTY, Mr. LEWIS FRY, Mr. HENRY H. FOWLER, Mr. WILLIAM FOWLER, The JUDGE ADVOCATE GENERAL, Mr. PATRICK MARTIN, Mr. LEWIS, Mr. COMPTON LAWRENCE, Mr. WHITLEY, Mr. WARTON, Mr. COLLINS, Sir GABRIEL GOLDNEY, Mr. MACNAGHTEN, and Mr. ATTORNEY GENERAL:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 7th July, 1881.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Erne Lough and River \* (149).

*Second Reading*—Statute Law Revision and Civil Procedure \* (140); Petroleum (Hawking) \* (139).

*Committee*—Local Government Provisional Orders (Acton, &c.) \* (121); Elementary Education Provisional Order Confirmation (London) \* (68); Tramways Orders Confirmation (No. 1) \* (125); Tramways Orders Confirmation (No. 3) \* (135); Pier and Harbour Orders Confirmation \* (122); Lunacy Districts (Scotland) (108-152).

*Committee—Report*—Court of Bankruptcy (Ireland) (Officers and Clerks) \* (133).

*Third Reading*—Veterinary Surgeons \* (127); Summary Jurisdiction (Process) \* (124), and *passed*.

### TURKEY AND GREECE—THE FRONTIER QUESTION.

#### QUESTION.

THE EARL OF AIRLIE inquired whether the Government were in possession of any information as to the occupation of the new Greek Frontier by the Greeks?

EARL GRANVILLE: My Lords, I am happy to be able to assure my noble

Friend that progress has been made in the negotiations respecting the Greek Frontier. The Convention has been signed by the Greek and Turkish Plenipotentiaries, and General Hamley reported yesterday that the Turks retired that day from Dimario on the left Turkish Frontier, and that the Greeks crossed the Frontier and took possession. All was done in good order.

ARMY—DEATHS BY SUNSTROKE AT ALDERSHOT.—QUESTION.

THE EARL OF CAMPERDOWN asked the Under Secretary of State for War, If he could now give any information regarding the casualties which occurred among the troops at Aldershot on last Monday?

THE EARL OF MORLEY: My Lords, I can now give to your Lordships more information as to what occurred on the field-day at Aldershot last Monday than when my noble Friend put his Question to me on Tuesday evening. As I told my noble Friend on that day immediately the report arrived at the War Office the Secretary of State for War at once called for a detailed account of the circumstances. The field-day was appointed for Monday four or five days previously. On Sunday and Monday, on the Fox Hills, where the field-day took place, it was somewhat hot, but a strong breeze was blowing. The troops went out as usual in field-day order—that is to say, they had nothing to carry except their water bottles. They started after breakfast at 8.30. The manoeuvres were over before 1 o'clock, and until then there were no casualties and few men fell out. About that time, however, the heat greatly increased; and, unfortunately, the usual anxiety to get back to their lines led to the regiments hurrying the pace, and this, in the heavy dust and increased heat, probably caused a good many men to fall out. Of the 19 men who were sent into hospital the greater part fell out then. Unfortunately, four men have died. Three died of sunstroke—one was an old sergeant of Militia, aged 45, who did not fall out; he was somewhat stout, and liable to suffer from the heat. The second was a man of long service, aged 32, and, on *post-mortem* examination, he was found to be highly predisposed to illness of this kind; the third was a perfectly healthy man, of long service, aged 33. There

was a fourth death of a driver, from heart disease; but he was riding on a waggon all day, and had undergone no fatigue, nor did he complain till later in the day. It is remarkable that from the brigade which went over the most ground, and did the hardest work, the smallest number of men, only 12, fell out, and none went into hospital. At a time of exceptional heat all parades take place in the early morning, so that troops may be back in camp before the power of the sun becomes excessive. I do not think that beyond this well-understood rule, attention to which has been especially called by a Circular, issued on Tuesday, the discretion of commanding officers need be hampered. We are all greatly distressed by, and deeply lament, the deaths of these men; but I think I have plainly stated the exceptional circumstances under which they occurred.

LUNACY DISTRICTS (SCOTLAND) BILL.

(The Earl of Dalhousie.)

(NO. 108.) COMMITTEE.

House in Committee (according to order).

THE DUKE OF RICHMOND AND GORDON said, that on behalf of his noble Friend (the Duke of Buccleuch) he begged to propose an Amendment in the Bill. He thought the Lord Advocate was not the proper authority for making the alteration in the lunacy districts. The Bill proposed that as the Prison Boards did not now exist, the power should be in the hands of the Lord Advocate, acting on the application of the General Board of Commissioners in Lunacy. He proposed to strike out "the Lord Advocate," and make the clause read—

"The General Board of Commissioners in Lunacy in Scotland shall have power, on the application of the Commissioners of Supply, to alter or vary the districts or divide the counties, &c."

He hoped the Government would have no objection to the Amendment, as it seemed a much better proposal for dealing with the question than that the Lord Advocate should have power of varying those districts upon the application of the Commissioners.

THE EARL OF DALHOUSIE said, he had received no Notice of the Amendment, and he therefore asked the noble



Duke not to press it at present, but to bring it up on the Report.

THE DUKE OF RICHMOND AND GORDON said, that in the circumstances he would acquiesce in the suggestion of the noble Earl.

THE EARL OF DALHOUSIE moved to substitute the Commissioners of Supply of any county for the General Board of Commissioners in Lunacy.

*Amendment agreed to.*

The Report of the Amendment to be received *To-morrow*; and Bill to be printed as amended. (No. 152.)

SUMMARY PROCEDURE (SCOTLAND)  
AMENDMENT BILL.—(No. 99.)

(*The Earl of Dalhousie.*)

REPORT OF AMENDMENTS.

LORD BALFOUR OF BURLEIGH asked the noble Earl (the Earl of Dalhousie), who had charge of the Bill, if he was now able to give an explanation to the question formerly put regarding the scale of costs which the Bill sought to enact in the Schedule, and which seemed inconsistent with the 4th clause of the Bill, laying it down that the maximum costs should not exceed £1?

THE EARL OF DALHOUSIE said, the explanation was that where the costs, according to the scale laid down in the Schedule, exceeded the maximum, the defendant would not be liable for more than that amount, and the surplus would have to be paid by the prosecution.

LORD BALFOUR OF BURLEIGH said, the explanation did not in any way remove the objections he had to this enactment. It seemed a very extraordinary thing that a Bill was to be passed by this House limiting the amount which the defendant had to pay to £1, and mulcting the prosecutor, the injured party, in whatever extra amount of costs was incurred. While it was desirable to keep down costs when the amount of fine imposed was very trivial, yet why the defendant, who had been convicted, should be released at the expense of the prosecutor, was really an enactment which altogether passed his comprehension to understand. He hoped that before the House would consent to that they would have something in the nature of a justification of this curious enactment.

*The Earl of Dalhousie*

LORD WATSON said, he hoped the Government would re-consider this suggestion. On referring to the precise terms of the Bill, which was one of a useful character, defining the limits of costs, which were sometimes excessive in these summary prosecutions in Scotland, he found that there was a table of fees, according to which agents were to be paid for conducting those cases. If there were two witnesses, by the smallest scale of expenses the prosecutor's charges out of pocket would amount to £1 12s. 6d. The smallest possible expenses under this Bill would be about £1 5s., and yet it provided that in no instance whatever, when the penalty did not exceed £3, the prosecutor should be entitled to more than £1 of expenses. In short, the Bill enacted that while it was a fair and reasonable thing that the prosecutor should pay on a low scale of charges a sum of £1 10s. 6d., he should only recover £1, or, in other words, he should pay one-half or one-third of the whole costs. A Bill of this sort was always attended with a certain degree of danger. It was a proper thing to cut down the expenses of the law agents who charged too much for certain species of work; but there was a danger of laying down a hard-and-fast rule as to maximum expenses that put it in the power of persons liable to penalties—who were not acting independently, but as members of associations, and who were, therefore, furnished with ample funds for their own defence, or in cases of land and river poaching, offences against the Factory Acts, and others—to harass the prosecutors by protracting the proceedings, leading a great deal of evidence, and so involving them in expenses to the amount of £5 or £6, even according to this scale, so that when the penalty was inflicted the prosecutor would find that he had four or five times as much to pay as the defendant. He suggested that the 4th clause should be re-framed in terms that would prevent such a possibility.

THE EARL OF DALHOUSIE said, this was a legal Bill, to discuss which would require considerable legal knowledge on his part. As the noble and learned Lord gave no Notice of the Amendment, he asked him to be good enough to put it on the Paper.

THE DUKE OF RICHMOND AND GORDON said, he could not agree that to discuss the proposition of his noble

and learned Friend required any legal knowledge. It was a practical matter on which their Lordships were perfectly able to give a judgment; and he believed the Lord Chancellor was well able to deal with it without the noble Earl consulting the Law Officers of the Crown.

THE EARL OF DALHOUSIE said, he preferred to postpone the consideration of the Amendment.

Report of Amendment (which stands appointed for this day) *put off to Tuesday* next.

ENDOWED INSTITUTIONS (SCOTLAND) ACT, 1878—THE PROVISIONAL ORDERS.—OBSERVATIONS.

THE DUKE OF RICHMOND AND GORDON, in rising to ask Her Majesty's Government, When the five Provisional Orders relating to Endowed Institutions in Scotland, including the new Order for Burnett's Literary Fund, that were presented on the 21st of June, will be circulated: And to move for a Return showing why no Provisional Orders have been issued in the following ten cases in which the Commissioners under the Endowed Institutions (Scotland) Act of 1878 have reported to the Secretary of State: Spier's Trust, Beith; Boys' and Girls' Hospital, Aberdeen; Donaldson's Charity, Stonehaven; Graham Free School, Glasgow; Kellae's Trust, Haddington; Scott or Campbell Trust, Selkirk; Wilson's School, Fauldhouse; Wilson's School, Harthell; Wilson's School, Stane; and Wilson's School, Whitburn? said, he considered this was a Notice of a very important character. He had framed it in rather wide language, and he was not at all prepared to say that he would ask for a Return showing why no Provisional Orders had been issued in the cases named in his Motion; but what he really wanted to know was, what had become of those Orders? With regard to the first part of the Motion, he would like to ask the Government why the Provisional Orders relating to the Endowed Institutions in Scotland, including the new Order of Burnett's Literary Fund, presented on the 21st June, were not circulated? Their Lordships would recollect that in the early part of this Session he called attention to the scheme of Burnett's Literary Fund, and took occasion to speak somewhat strongly of the conduct of

the Home Secretary in relation to this scheme; and he thought he was justified in coming to the conclusion that a strong case existed in his favour and against that Department of Her Majesty's Government. Not one word was said in its favour, and the Motion he made disapproving of the scheme of the Home Department was carried without a division. Now, these schemes related to most important subjects, and Parliament was so very careful and jealous with all that sort of property dealt with under the provisions of the Endowed Institutions (Scotland) Act passed in 1878, that all the persons interested in that Act should have every opportunity of being heard upon the subject. A clause was inserted in that Act which provided that the scheme, after being approved by the Secretary of State, should lie on the Table of both Houses of Parliament for 40 days, and if no action was taken anent the scheme during that period, that it should become law. That being the case, it appeared to him that it was the duty of the Secretary of State to see that the provisions of the Act were carried out strictly and to the letter. Now, what had happened in each of the five Provisional Orders to which he had called attention? The Order lists were presented to the House on the 21st June, and it was now the 7th July—that was 17 days—and up to that moment those schemes had not been delivered for their Lordships' consideration. He was told that they had been presented only yesterday in the other House of Parliament; and, therefore, practically by the conduct of the Secretary of State for the Home Department in this case, the parties who were interested in those schemes had been deprived of 16 days out of 40 in which they might make objections and consider what course they should take. He was quite ready to admit that in these days of rapid communication between this country and the North of Scotland such a loss of time was not so important as it would once have been. But it would be admitted that some considerable time ought to be granted to persons living in the extreme North of the Empire to consult together how the schemes affected their own interests, and whether any action, and if so what action, should be taken about it. He had a great interest in Burnett's Literary

Fund, and he should have been very glad before now to have had the opportunity of communicating with those who were also interested, as to whether this scheme would be agreeable to them or the contrary. He was by no means saying—he had no means of knowing—that the Burnett Scheme might not have been altered in a manner satisfactory to the Governing Body; but what he did say was, that by the action of the Secretary of State for the Home Department they were deprived of 16 days out of 40 which they had to consider the situation. Now, it seemed to him there must be some most extraordinary influence—he hardly knew how to describe it—at work in the Home Office with regard to the printing and presenting of Papers to Parliament. He had a knowledge of one of the most important Papers, probably, that their Lordships could have before them—the Report of the Irish Assistant Commissioners. That Report was presented to the Secretary of State for the Home Department, through whom it must necessarily come for presentation to Her Majesty, on the 18th January. Of course, when the Commissioners had sent it to the Home Department their duty with regard to it ceased. Their Lordships would be astonished to hear that, notwithstanding the Secretary of State received the Report from the Irish Assistant Commissioners, in a matter of the very highest importance, on the 18th January, it was only printed and circulated on the 6th of July; therefore, there must be something very irregular in the manner in which the Home Office dealt with this question. With regard to the other schemes, though he did not press for a Return regarding them, he was deeply interested to know what had happened to those schemes. The Reports, according to the Commission, had been presented to the Home Secretary. He should like to know where those schemes were. What had become of them? Had the Commissioners been communicated with by the Secretary of State for the Home Department with regard to the action he had taken, or was taking, with reference to these subjects? The first scheme mentioned in his Motion was partly dealt with by the late Government. He had suggested to Sir R. Assheton Cross, then Home Secretary, certain objections he entertained to that scheme, one of

which was the large outlay—£16,000—proposed to be made for buildings, and the other that a member of the School Board should be a member of the Governing Body. The latter proposition was stated to be *ultra vires*, and that question still remained unsettled when the late Government left Office. But why had not the Orders presented on the 21st June been circulated? He noticed some of them were circulated yesterday, so that his Motion had done some good. It had induced the Home Secretary to see that these schemes were circulated. He was told one of them was in their Lordships' House, and that the others would be circulated probably in the course of to-morrow; but he pointed out that great injustice had been done to those parties in having the time in which they could petition against the scheme curtailed in the manner he had described. He would be glad to know what had come of the other schemes which he had enumerated; and whether any, and if so what, communication had taken place between the Home Secretary and the Endowed Institution Commissioners in Scotland, if the Secretary of State was not going to agree with the recommendation of the body?

THE EARL OF DALHOUSIE, in reply, said, the noble Duke had really answered the first part of the Question himself when he stated, quite correctly, that one of these Provisional Orders had been circulated that day, and that others would be circulated in a day or two. In the case of the other schemes to which he referred, there had been some difference of opinion—in some cases very considerable difference—between the Scotch Education Department and the Educational Endowment Commissioners. There had not been time to adjust the issue in each of these cases, and the Secretary of State had therefore thought it advisable that they should be postponed, in order to be considered by the new Committee to be appointed by the Bill now before the House of Commons. In the case of two of those schemes there had been strong opposition on the part of certain local bodies.

THE MARQUESS OF SALISBURY said, the noble Earl did not appear to have understood the drift of the Question of his noble Friend. The objection was, not as to the time the Secretary of State might

have spent over a scheme, but that 16 out of the 40 days given by Government as a security and guarantee against bad administration on the part of the Commissioners had been taken away. The Government must provide some remedy against the recurrence of such delay if the terms of the Act were to be honestly carried out.

LORD BALFOUR OF BURLEIGH wished to say a few words on the matter of the Endowed Schools Commission which had had to do with those schemes. The Chairman of that Commission was detained in Scotland by his judicial duties; and he had requested him, in consequence of this matter being brought forward, to state the facts of a few of the cases mentioned in the Motion. He need hardly say that no Member of the Commission would have thought it consistent with his duty to bring such a matter before the House, because, although they were always glad when the Reports which they had to give in were agreed to and acted upon, still it was a public duty they had been discharging, and it was in no degree a personal question whether any of the recommendations they made were given effect to or not. But there was one point in connection with the way in which these recommendations had been dealt with he should like to bring under their Lordships' notice. They, as a Commission, had never in any single instance received any intimation as to whether their recommendations were to be given effect to or not; and, therefore, they had been wholly unable to give any information to parties promoting those schemes, whether or not those schemes would obtain the sanction of the Government and be laid on the Table of the House. In a matter of this importance, he submitted that the Commission appointed to inquire into these schemes and to make recommendations was not quite fairly treated when they were never informed, either by the Home Office or any other Government Department, whether their recommendations were to be given effect to or not. In the case of Burnett's Trust, for example, their Lordships would remember how a scheme not only not the same as the scheme which the Commission gave their sanction to, but utterly inconsistent with it on many important points, was laid on the Table without one whisper of infor-

mation that the Commission had dealt with the matter at all, and not a hint was given that an alternative scheme much more in consonance with the Founder's will had been transmitted by the Commission to the Home Office. With reference to the case of Donaldson's Endowment, Stonehaven, of which the annual revenue was £85, it was his opinion that if a Commission could not be trusted to deal with such small sums, it was very little use indeed appointing the Commission. In this case there was no opposition, and no new remit was made to the Commission; although a whole year had passed since the Commission had reported, yet the order was refused. Now, certainly, in such a case, the Governing Body had not been very fairly used. In the case of the Kellae Trust, Haddington, the net annual revenue of which was £37 6s., their recommendation was to vest the fund in the School Board, for the purpose of founding bursaries for children in Haddington, to be competed for by open competition, to be held within the leading school of the town, the sole surviving trustee, who agreed in the proposal, to be associated with the School Board in the discharge of the trust during his life. That recommendation was made on the 6th of August, 1880; no further communication of any kind had been made to the Commission, and yet this Order had been refused. Now, he had seen it stated in the public prints that effect had been given to certain opposition on the part of the Provost and Magistrates of Haddington, who disapproved because no special provision was made for clothing; but he could hardly believe such a thing possible, and he should be very glad to hear from the Government that that had not been the ground of their refusing this Order. He felt it his duty to himself and his Colleagues on the Commission to press, in accordance with what the noble Duke had said, for a full explanation of the principles which had governed the Home Office in refusing their consent to those schemes.

EARL SPENCER said, that, as the noble Duke (the Duke of Richmond and Gordon) had observed, the Education Department had no responsibility for the action finally taken in regard to those schemes. That Department, however, was consulted, as the noble Duke well knew, on the schemes when they were

submitted to the Home Office. As to the point which the noble Marquess (the Marquess of Salisbury) had pressed on his noble Friend who represented the Home Office, he had to say that Her Majesty's Government regretted exceedingly that the Papers were not circulated immediately after they were presented. They were not presented, as the noble Duke seemed to think, in "dummy," but were presented entire; and he confessed that it was a matter of regret that they had not been circulated sooner. His noble Friend would inquire into the reasons for the delay; for he admitted that it was highly inconvenient that after those Papers had been laid on the Table they should not have been immediately circulated. With respect to the scheme generally, he would point out that out of the 10 to which the noble Duke had called attention, one of them was dealt with completely under the late Government. The noble Duke said he was not aware what the answer was as to the scheme having been *ultra vires*. No doubt, he was quite right in that. But that scheme was entirely disposed of by the late Government. Of the remaining schemes, as his noble Friend had said, some of them had not been proceeded with because there was a strong local opposition. As to the others, the Education Department held that there were various objections, in some cases of greater, in others of less importance, to them. Those objections were sent to the Home Office, and in one case the scheme was remitted again to the Commission. But when the Home Secretary found that there was a considerable difference between the Education Department and the Commissioners, and that there was not time for the proper consideration of the subject, he thought that the much more prudent course would be not to deal with it this year. It was not fair to say that there were 10 schemes, because in regard to the case of Wilson's Schools there was a desire evinced on the part of some of those concerned to amalgamate those small funds; and as there was no power under the Act which regulated those matters to make that amalgamation, it was thought desirable to defer the consideration of those subjects to another time. He was glad that the noble Duke had stated that he would not press his Motion as it stood on the Paper, because he (Earl Spencer) believed it would be un-

*Earl Spencer*

paralleled that the reasons why schemes had not been passed should be presented to Parliament.

#### THE SUGAR INDUSTRIES—PETITION FROM ISLAND OF BARBADOES.

##### OBSERVATIONS.

THE MARQUESS OF SALISBURY, in rising to present a Petition from merchants, planters, and others connected with the Island of Barbadoes, said: My Lords, I have taken the unusual course of giving Notice of an intention to present this Petition in order that I might preface that step with a few observations, not only because the Petition is from a distant Colony, and is, therefore, deserving consideration and attention at your Lordships' hands, but also because it expresses the feelings of a portion of Her Majesty's subjects who, like many others at the present moment, are complaining that their interests are adversely affected, and that their industry is being destroyed, by the fiscal action of foreign Powers. The growth of this feeling in the country must be familiar to your Lordships, and it is not necessary that I should dilate upon it. A very remarkable change of feeling has taken place in many centres of industry, and complaints or proposals are being made which, 10 years ago, would have been held impossible. But I will not propose to enter upon that portion of the commercial discontent of the present day which deals with the question of adverse fiscal duties, and which claims retaliatory duties as a protection. It is not necessary that I should discuss that subject; it is one of exceeding difficulty, and I should be sorry to say anything that might be interpreted to be at variance with those principles of commercial policy which this country has deliberately adopted. But the particular case which the planters and merchants of Barbadoes wish to bring before your Lordships, and before the English public, does not deal with the particular class of proposals which are commonly known under the name of Reciprocity. The fiscal measures of foreign Governments give advantages to their own subjects in two ways. They impose duties of protection which exclude our goods from their markets. In that case they give a bounty to their own traders at the expense of their own consumers. The

case I have to bring before you does not belong to that class. It is the case of foreign Governments, by direct bounties drawn from the resources of the taxpayer, cheapening products of their own manufacturers and driving the manufactures of other countries, and especially of this Empire, out of the market. Now, the particular country whose legislation in this respect has given cause for the complaint of the West Indian planters is Austria, and the way in which the sugar industry is adversely affected is this. In Austria a tax is raised on the native beet-root sugar, which is largely exported, and a drawback is then given to the exporter; but the drawback is so calculated that it gives a large bounty to the exporter, giving him back a great deal more than he had paid to his own Government, and so enriching him that he is able to go to other markets with sugar at a much cheaper price than those producers who have not received similar advantages can afford to sell at. The result is that the Austrian raw sugar has been supported by the taxes of the Austrian subjects, and has been able to compete more and more with the sugar grown by our own planters, who have not such an advantage to support them. So keen, apparently, has the Austrian Government been in this policy that they actually at one time paid back in drawbacks more than the whole of the duty they received from beet-root. The results have been very severe on the West Indian planters. The consumption of sugar in this country has, as your Lordships know, grown enormously during the last 10 years, owing to the increase in wealth and population and the abolition of our duty; but, notwithstanding that fact, the import from the West Indian planters has been almost absolutely stationary, while the advantage of the State subsidy on the part of Austria is shown by the fact that within the last few years the export of beet-root sugar has increased from 600,000 tons to more than 1,500,000 tons. The sugar bounty question has engaged the consideration of successive Governments; and, after much negotiation with foreign Powers, it was thought by the late Government that the best course would be to allow the matter to be referred to a Committee of the House of Commons. It was so referred, and that Committee

collected evidence and considered the matter with great care, and made, last Session, a very exhaustive and able Report on the subject. The Prayer of the Petition, and the considerations which I shall urge on the Government, do not go beyond the proposals of the Committee. I only ask that due attention should be given to these proposals, and that they should not be entirely neglected. The Committee said, and said in very distinct language, that very serious damage is being done by the policy of foreign Governments to which I have referred. It appears from the Report that much of the sugar industry of the West Indies has been destroyed, and that 50 sugar-growing estates have been abandoned; while, in 1879, 36 such estates were advertised for sale without purchasers being found for them. All the witnesses on this branch of the subject agree in looking for the general abandonment "of sugar cultivation" if the present state of things continues. If this is the consequence of the action of any foreign Government over whom we have any influence, the matter is one for the grave consideration of Her Majesty's Government, and ought to be dealt with before it is magnified into a very great grievance. It is impossible to mention such a state of things without bearing in mind a similar grievance which exists with reference to sugar refining. It is exactly the same complaint, applied to another branch of the same trade. The French Government gives a drawback to the sugar refiners who export the produce of their industry. That drawback is calculated too high, and the result is that a very considerable bounty is given out of the French taxes to those who export it, and the French refiner is able to sell at a price which utterly undersells and destroys the profits of the English manufacturer. The consequences have been, in the same way, most lamentable. Five or six years ago there was a very flourishing sugar-refining industry in this country. The competition of the French refiner, supported by the bounty out of the French taxes, has driven the English refiner out of the English market, and all the establishments which existed five or six years ago have now been closed, and the trade is absolutely destroyed. Now, do not tell me we are bound, by the principles of Free Trade,

to look on coldly and calmly and see this destruction of British industries accomplished, because if you lay down that principle broadly and strongly, and say that nothing shall induce you to interfere when a foreign Government is destroying British industry, you may be quite sure that these undertakings which have been hitherto so successful will be imitated in other industries, and industry after industry will be destroyed by the co-operation of the foreign Governments with the foreign manufacturer, against which the British manufacturer is absolutely powerless. The foreign Government, practically speaking, is illimitably rich. It enters into partnership with its own manufacturers. It invests its property in the promotion of their industry, and the British industry, undefended as it is, must necessarily go down. If it really is the case that considerable benefit to the consumer results from this policy, that will, no doubt, be a very material consolation, and grounds for hesitating very much before pronouncing an adverse opinion; but the benefit to the consumer is, in reality, transient. It is always open to the foreign Government to enter into partnership with its own manufacturers to destroy British industry altogether and make British capital unproductive, and then, when that is done, there is no necessity that the bounty should be continued. Capital will not be invested in industries of this kind unless there is some prospect of stability of conditions, and if industry is always liable to be destroyed by a sudden incursion of a foreign Government using the taxes of its own subjects for the purpose of destroying that industry, the British capitalist will not risk his capital by sinking it in the machinery and buildings necessary for carrying on the trade. I cannot pass on without remarking that the French Government have made a further step along this path already. There is already a bounty given upon ships, sailing and steaming, and it is given in proportion to the amount of tonnage they actually carry. I do not know what effect these new measures will have on the British industry of shipbuilding; but it is looked on with considerable alarm, and I mention it as an indication of the policy which is guiding foreign Governments, and as a danger against which our own

*The Marquess of Salisbury*

manufacturers and Government have to contend. It is well known that one of the great difficulties—as was pointed out in a memorable speech delivered by the Earl of Beaconsfield some years ago—is the network of Favoured Nation Clauses which now exist, and which would hinder us from taking any isolated action. The reason why I wish to press this subject on the Government at the present moment is because the Committee, at the close of their Report, make some important proposals. They recommend Her Majesty's Government to institute careful inquiry into the matter, and, in the event of its being found impossible to arrive at an International agreement for the suppression of bounties, they were prepared to recommend the adoption of such a course had it been practicable under our existing Treaties; and they were of opinion that on the renewal of those Treaties the opportunity should be taken of making such alterations as would leave Her Majesty's Government at liberty to deal with the question. With reference to the negotiations which are now going on with France, I think Her Majesty's Government are bound to see that some arrangements are made—if they do make a Treaty—for redressing this great injury under which a once flourishing British industry and a considerable number of workmen are now suffering. But they may go further. If they agree with the French Government in this matter of the sugar refiners I have very little doubt that Austria will be disposed to come to terms. The matter is one for negotiation, and, if advocated by England and France combined, there will be a greater chance of success than if urged by England alone. I earnestly trust Her Majesty's Government will not simply neglect the matter and pass by on the other side. There is a cry arising for remedies which may perplex the ablest statesman to discover and apply. I know that a great authority, the Chancellor of the Duchy of Lancaster—the same authority who, 30 years ago, was so fond of telling us that all nations were likely at once to adopt Free Trade—now tells us that a demand for measures of a reciprocal or retaliatory character is a sign of lunacy. I have no wish that any action should be adopted inconsistent with sound Free Trade; but I

should hesitate to apply the name of lunatics to those not of my own opinion, because I fear we should be in the awkward position of finding there are more people lunatics in the world than sane—an observation which always exposes to some doubt the sanity of the person who makes it. I do not think that by calling people lunatics Her Majesty's Government will stop this cry or apply any real remedy to the evils which exist. If they neglect it, if they do not take some pains to remove such grievances as these, I fear they will find themselves confronted, before long, with a political problem with which they will have some difficulty in dealing.

Petition for countervailing duties upon foreign sugar imported under bounty into the United Kingdom; of Planters, Merchants, &c. of Barbadoes—*Presented* (The Marquess of SALISBURY).

Petition read.

THE EARL OF KIMBERLEY: My Lords, the noble Marquess gave a Notice which I will venture to read:—"To present a Petition from merchants, planters, and others connected with the Island of Barbadoes." Well, I wondered what might possibly be the subject which the noble Marquess intended to bring before us, because there are a good many different questions connected with Barbadoes. I then obtained the information that the subject had some connection with the sugar bounties. It seemed to me that upon a matter of such importance as one connected with Free Trade and Reciprocity, Notice should have been given that that was the subject which was about to be brought forward. I do not complain of the course taken by the noble Marquess so far as I am concerned; but, no Notice having been given, your Lordships were not prepared for the speech which the noble Marquess made. The noble Marquess said he would not go into the question of Reciprocity, or say anything which would be inconsistent with the principles of that commercial policy which has been adopted by this country; but the greater part of his speech, I thought, was intended to encourage those who wish to see those principles departed from. He attacked my right hon. Friend the Chancellor of the Duchy of Lancaster, one of the principal English advocates of Free Trade principles,

and insinuated that the time would come when it would be wise to embark on a course of Reciprocity and Retaliation. I wish the noble Marquess had stated more fully what policy he was in favour of, because if he were in favour of Reciprocity and Retaliation, he might have indicated how that policy was to be pursued, and whether he would be prepared to introduce the system. I, for my part, think it is a great error to blame persons who happen to differ from me and others on the subject of Free Trade, because it is undoubtedly true that a very large number of educated men are still in favour of the policy of Protection; and we ourselves, not a very long time ago, thought it was a sound system. But if we are to discuss this question, let us discuss it face to face, and not on such a Notice as the noble Marquess has given. I have not lost faith in Free Trade, and I believe it will be extremely difficult, if not impossible, to form a practicable Tariff on this subject which can be submitted with any confidence to any body of men, and by which the Reciprocity system can again be introduced. The difficulties of the West India planters are of old standing. They are connected, as is well known, with the system of industry in that region and with many other causes. I sympathize with them, but I confess, as a consumer in this country, I am not altogether in favour of a movement which seems to be directed to taxing the consumers of sugar in this country, and especially to encourage the production of West India sugar. The noble Marquess has not given your Lordship any figures, but I understand him to say that there is a considerable decrease in the production of sugar in the West Indies.

THE MARQUESS OF SALISBURY: My Lords, what I said was that the importation of sugar had, during the last few years, practically stood still; and whereas the importation of beet-root sugar was formerly 600,000 tons, it was now 1,500,000 tons.

THE EARL OF KIMBERLEY: The impression made on my mind during the speech of the noble Marquess was that there had been a great decrease in the production of sugar. However, the Petition presented to the House is from the planters of Barbadoes, and I will venture to ask the noble Marquess whether, in the face of the figures which I will read



to the House, he will venture to say that the production has decreased? From a Return of the production of sugar in the West Indies, it appears that the average production of the West Indian Colonies for the five years ending 1869 was 166,000 tons, for the five years ending 1874 it was 181,000 tons, and for the four years between 1874 and 1878, 200,000 tons. There had, no doubt, at the same time, been a large increase in the production of beet-root sugar. For the three years between 1870 and 1873, which was the time when bounties began to affect the production of sugar, the average crop of cane sugar was 246,000 tons; between 1876 and 1879 it had fallen to 242,000 tons; while the corresponding figures for beet-root were 966,000 tons, and 1,607,000 tons. In Barbadoes, during the first term, the production of cane sugar was 91,544 tons; and during the latter three years, when bounties were said to have destroyed the production, it had risen to 132,000 tons. It is, then, rather remarkable that a Petition should be presented from Barbadoes asserting that the industry of the Island is seriously affected. It is quite true that the production of beet-root sugar has increased much beyond that of the sugar cane; but in Barbadoes, British Guiana, and Trinidad, although the sugar cane industry has not advanced so much as beet-root, it has progressed, and there is no symptom that it will decay. But there is another important consideration. When the financial position of these Islands is talked of, their condition as a whole ought to be regarded, and not merely with reference to one production. There has been a large increase in the production of cocoa in many of the West Indian Colonies, and, as I am informed, the production of cocoa, which is more profitable than that of sugar, is increasing to a remarkable extent in some of the Islands. It is the more important for the reason that the increased cocoa production has taken place mainly in those Colonies in which the sugar production has declined. The question of refined sugar, which is a very difficult and complicated one, is being inquired into with very great care, and, as far as the inquiry has gone, it has not been found that the number of persons employed has very largely decreased. The most important part of the speech of

*The Earl of Kimberley*

the noble Marquess was that in which he threw out general and vague hints that it might be desirable to embark in a system of retaliation. Does this indicate that the Party of which the noble Marquess is the Leader are about to demand a reverse of the Free Trade policy of this country in order to return to Protection? I hope that when the noble Marquess makes up his mind on this subject he will give us fair notice of the fact, in order that we may have a full, fair, and free discussion of the subject.

THE EARL OF CARNARVON said, he did not see that the speech of the noble Marquess was open to the suggestion just made, or he would have formulated his Notice in different terms. It was scarcely possible to consider such a question as that raised by the Petition presented to the House without referring to the general topic of Free Trade, which just now so largely engrossed public attention. The case of the West Indian Colonies was an extremely hard one, and all the harder because the resources of those Colonies were naturally very great, and they could supply a very large portion of the demands which this country could make upon them if it were not for the somewhat unfair action of the Government of a foreign country. The French bounty system was one which inflicted undeserved hardship upon the trade of this country, a considerable branch of which it threatened to destroy. A very curious picture was presented by the present state of things. On the one hand we had large Kingdoms forming themselves into great commercial unions, self-supporting and independent of others, as was being done by France, Germany, and the United States. On the other hand we had the English Empire, scattered over the whole of the world, the different parts containing different products which each other part desired, but the parts kept separated from each other by different and sometimes by adverse Tariffs. More than this, we had almost the whole of Europe at this moment entering into a combination to get as much as they could for themselves, and as much as they could of what we had. France, in particular, had entered into a partnership with her own manufacturers to impose such a duty as must obviously have the effect of ruining the industries of this country in her market. There were, no doubt,

several conclusions which might be drawn from that state of things which were quite apart from the question before the House. The first result was that the country was now touching a new phase and form of this question, and we had arrived at a new point of departure in the negotiations for the French Treaty to which his noble Friend had alluded. It was perfectly clear, as his noble Friend had said, that the consumer in England was not likely to gain anything from these bounties, and for this obvious reason, that until the necessity for the continuance of these bounties ceased, the foreigner would get a hold of the English market, and make his own terms. The English trade thus destroyed by him was one which demanded a vast amount of capital, and, though it might be destroyed in a few years, could not be re-established in a short time. He ventured, therefore, to hope that the Government would consider very carefully the conclusion which had been arrived at not long ago in the other House of Parliament, which was to the effect that unless we were to obtain a Treaty, not merely equivalent, but superior to that of 1860, it would be better to have no Treaty at all. He, for one, heartily agreed in that opinion. He had always had grave doubts as to the whole policy of Commercial Treaties, and in those doubts he expected many noble Lords opposite would concur. Certainly, unless a better Treaty were obtained than that of 1860, he thought it would be better that we should be perfectly unfettered.

EARL GRANVILLE: My Lords, I do not rise to continue this discussion, which, as my noble Friend the Secretary of State for the Colonies has said, has been brought upon the House very much in the nature of a surprise. I entirely join in the protest of my noble Friend, and I think that if the noble Marquess intended to raise this most important question, he ought to have given us some indication of what he meant to do. I looked at the Notice Paper, as it is my duty, and when I read the Notice of the noble Marquess, I thought he was going to bring before your Lordships some local grievance with which my noble Friend near me would be able to deal. But I had not the most distant idea, nor do I think that anyone could have conceived that

the noble Marquess was to a great degree about to raise the standard of Protection, under colour of the more plausible names of Retaliation and Reciprocity. That policy would have a great effect, a most mischievous effect, upon this country. My Lords, there is nothing that I could desire more than that this subject should be brought before your Lordships and worked out completely. But I do protest against two noble Lords settling between themselves to have this discussion without the Notice which it was proper to give. Could anyone imagine that if your Lordships had known generally that this subject would be brought before you, there would have been so few noble Lords present? Why, we should have assembled in large numbers on such a question as this. The only thing I have some satisfaction in hearing is the statement of the noble Lord opposite (the Earl of Carnarvon) that he would prefer no Commercial Treaty at all to one which would put our commercial relations in a worse position than that in which they are now placed. No doubt, Treaties of Commerce are an exception—it would be better to have no Treaties of Commerce. But the existing Treaty was made in peculiar circumstances, and was intended to give the two countries an opportunity of seeing what could be done with a greater relaxation of trade. If this subject is to be treated in such a manner that our commercial relations will be put in a worse position than they are now in, I think it would be infinitely better to have no Treaty at all.

THE MARQUESS OF SALISBURY: My Lords, I only wish to say that I deny in the most categorical manner that I raised the standard of Protection, Retaliation, or Reciprocity. What I did was to urge the noble Earl at this juncture of the negotiations with France, to exercise his diplomatic ability for the purpose of protecting British industry and Colonial property, which are just now suffering from a deep grievance at the hands of Foreign Powers.

*Petition ordered to lie on the Table.*

House adjourned at a quarter past Seven o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 7th July, 1881.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Referred to Select Committee*—Poor Relief and Audit of Accounts (Scotland) [182]. Committee—Land Law (Ireland) [135]—R.P. Considered as amended—Solicitors' Remuneration \* [100]. Withdrawn—Poor Law Officers (Scotland) Superannuation \* [113].

QUESTIONS.

NAVY—THE ROYAL MARINES—THE ORDER OF THE BATH.

MR. LEWIS asked the Secretary to the Admiralty, If he would state for what pre-eminent services the officer lately selected for promotion to K.C.B. in the Royal Marines is distinguished; whether it is not the case that the officer so selected has never served out of England since he was comparatively a junior lieutenant; and, whether there are not officers of the Royal Marines who have distinguished themselves in the command of battalions abroad and of brigades before the enemy, and whose services have been mentioned in Despatches, followed by O.B. and brevet rank of Colonel; if so, were their claims for further distinction not lost sight of when an officer who never served abroad except in the subordinate rank of lieutenant, and years junior to them in the Order of the Bath, was selected for promotion to K.C.B.?

MR. TREVELYAN: Sir George Langley, K.C.B., was selected for that distinction, for long, faithful, and able services on the Staff of the corps of Royal Marines, and in early life he was highly distinguished in action. With regard to the rest of the hon. Gentleman's Question, I cannot undertake the responsibility of commencing what seems to me an innovation—comparing the relative claims of officers who have and who have not been recommended to Her Majesty for the honour of knighthood.

IRELAND—PRINTING THE "ANNALS OF ULSTER."

MR. A. M. SULLIVAN asked the Chief Secretary to the Lord Lieutenant

of Ireland, If he can state what progress has been made in printing the "Annals of Ulster," the publication of which was directed nearly three years ago?

MR. W. E. FORSTER, in reply, said, that the work would be begun during the present month.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—UNDERTAKINGS BY PRISONERS RELEASED.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any difference in the form submitted to Mr. Farrell, J.P., on his release from prison under the Coercion Act, to that which has been submitted to any other political prisoner; if he will say since when these forms have been in existence; whether all prisoners on their release have been obliged to sign them; whether they have been tendered to any prisoners who have refused to sign them; and, whether any form was submitted to, or signed by, Mr. James Daly, of Castlebar, on his release?

MR. W. E. FORSTER, in reply, said, the forms in question had been in existence since the 7th of last month. Prisoners released before that date were not required to sign any undertaking. None of the prisoners to whom the undertaking had been tendered had refused to sign it. Mr. James Daly was discharged on the 8th of May, before the form was brought into use; but, on being discharged, in view of the critical state of his health, he voluntarily tendered an undertaking that his future good conduct would justify the clemency of the Government.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—CASE OF MR. MARSHALL.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the prison doctors have made any report on the case of Mr. Marshall, a prisoner confined in Kilmainham, and said to be suffering from disease of the brain, causing the most intense pain?

MR. W. E. FORSTER, in reply, said, the medical officer of Kilmainham had made a report with regard to the case of Mr. Marshall, from which it appeared that the complaint from which the prisoner suffered was a constant headache.

The medical officer was unable to detect any organic disease, and his general health had not suffered since his imprisonment. He had consulted with two other medical gentlemen, who were likewise unable to discover any organic disease.

MR. HEALY asked if the right hon. Gentleman was aware that the general impression in the prison was that the man was mad?

MR. W. E. FORSTER said, he had not heard of such an impression.

#### HIGH COURT OF JUSTICE—THE COURT OF APPEAL.

MR. GREGORY asked, Whether arrangements have been made for completing the Court of Appeal, and filling up the vacancy caused by the death of Lord Justice James?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, he thought that this Question was answered by what had occurred in the House of Lords. A Bill had there been introduced for the purpose of filling up the vacancy, by making the Master of the Rolls sit in the Court of Appeal.

#### THE JUDICATURE ACTS—REPORT OF THE COMMITTEE.

MR. GREGORY asked Mr. Attorney General, Whether any Report or Recommendations have been agreed upon by the Committee appointed to consider the operation of the Judicature Acts, and the procedure under them; and, if not, when such Report or Recommendations may be expected?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, that the Report and the Recommendations were made some seven or eight weeks ago. They had been circulated by the Lord Chancellor among the Judges, in order that the Committee of Judges might act on the Report. The Lord Chancellor thought it better to place it in the hands of the Judges before he laid it on the Table.

#### SPAIN AND ENGLAND—GIBRALTAR—THE NEUTRAL GROUND AND MARITIME JURISDICTION.

MR. O'SHEA asked the Under Secretary or State for Foreign Affairs, Whether there is any objection to state the names of the Commissioners, officers or

others, on both sides, engaged in deciding the limits of Gibraltar?

SIR CHARLES W. DILKE: It is not quite correct to describe these negotiations as relating to the limits of Gibraltar. They relate to the question of maritime jurisdiction. The negotiations are not sufficiently advanced for me to make any detailed statement on the subject.

#### THE NEW FRENCH GENERAL TARIFF.

MR. JACKSON asked the President of the Board of Trade, If he will lay upon the Table of the House a Copy of the Letter he has addressed to the Chambers of Commerce with reference to the English translation of the French Tariff, asked for by the noble Lord the Member for Liverpool; and, if he will give a list of the Chambers to which he has written?

MR. CHAMBERLAIN, in reply, said, that if the hon. Member wished for this Return, and moved for a copy of the Circular, and also for copies of the replies that had been received, he should be very glad to give it, as an unopposed Return. He might say that the Circular had been addressed to 59 Chambers of Commerce, and the Board of Trade had received 20 replies—7 of the replies being in favour of having a translation, and 13, including the Liverpool Chamber of Commerce, against it.

#### LAW AND POLICE—THE MURDER ON THE BRIGHTON RAILWAY.

MR. J. G. TALBOT asked the Secretary of State for the Home Department, Whether he has made any inquiry into the conduct of the police with regard to the recent murder upon the London, Brighton, and South Coast Railway, with a view of ascertaining on what grounds they allowed the man Lefroy, who must have been intimately acquainted with the circumstances of the murder, to leave the place where he was staying, without their knowledge; and, whether he is in a position to communicate the results of such inquiry to the House?

SIR WILLIAM HARCOURT: It is a grave matter to pass judgment on the police. Although, of course, I have made inquiries into this matter, I should not consider myself justified at present in passing final sentence on the conduct

of the police in this matter. At the same time, it is right that I should state that, as regards the Metropolitan Police, they cannot be regarded as directly responsible in the affair. The knowledge of this matter did not come to the authorities of the Metropolitan Police until after the escape of Lefroy. The police constables who had to do with the matter before were Sergeants Potter and Holmes. Although it is true that they are borne on the books of the Metropolitan Police, they are, by an arrangement which has hitherto been made, placed at the disposal of Railway Companies, who pay these officers; and although it is true that they still remain nominally members of the Metropolitan Police, for the purpose of pension and otherwise, they are not acting under the direction of the authorities of the Metropolitan Police. I doubt whether it is a good practice at all that persons who have passed out of the immediate jurisdiction of the Metropolitan Police should continue to belong nominally to that Force while they are attached to bodies like Railway Companies. I doubt whether in such a case their connection with the Metropolitan Police ought not to be severed; for, otherwise, the Metropolitan Police become nominally responsible for the actions of persons who are not under their control.

Mr. J. G. TALBOT asked, whether, as this was a matter that affected the public confidence in the Police Force generally, he would communicate the results of the inquiry to the House?

SIR WILLIAM HARCOURT: Certainly; it is my desire that the truth should be known as regards all concerned. It is necessary that the public should have confidence in the Police Force, both in London and elsewhere.

#### ARMY — DEATHS BY SUNSTROKE AT ALDERSHOT—THE WINDSOR REVIEW.

Mr. H. R. BRAND asked the Secretary of State for War, Whether it is true that the troops at Aldershot were seven hours under arms during the greatest heat of the day on Monday 4th July, and that the result has been that four men have died from this exposure, and many more are in hospital invalided from the same cause; and, if this is the case, whether he will take steps to pre-

vent in the future the exercise of the troops in summer weather at such unseasonable hours; and, whether any provision has been made for the shelter of the Volunteers engaged in the review on Saturday, who will in some cases be under arms from twenty-four to thirty-six hours? He wished also to ask a Question of which he had not given Notice—namely, Whether a great many of the men were not paraded at 7.30 on Monday, and whether they had to march in some cases four miles before the operations began; also, whether there were any water-carts accompanying the regiments in this review?

Mr. MACFARLANE also asked whether the Secretary of State was aware that the troops at Wellington Barracks were being drilled on Monday, the warmest day of the year, at 2 o'clock in the day, without having anything but a skull cap on?

Mr. CHILDERS: The Questions last put to me are Questions of which I have not had previous Notice, and I cannot undertake to answer them at present. With regard to the other Questions, I have to say, first, that as soon as I heard of the deaths at Aldershot on Monday last, I called for full information on the subject, and the following are the facts:—A field-day had been appointed for the 4th instant some days before, and the weather at Aldershot on Sunday and Monday being cloudy, with a strong breeze on the Fox Hills, the troops went out as usual in field-day order—that is to say, carrying nothing except their water bottles—at half-past 8, after breakfast. The manoeuvres were over before 1 o'clock, and until then there were no casualties, and few men fell out. About that time, however, the heat greatly increased, and, unfortunately, the usual anxiety to get back to their lines led to the Regiments hurrying the pace, and this in the heavy dust and increased heat, probably caused a good many men to fall out. Of the 19 men who were sent into hospital, the greater part fell out then. Three died of sunstroke—one a very stout man of 45, who did not fall out, and two men of long service, aged 32 and 33, one of them found, on *post-mortem* examination, to be highly pre-disposed to illness of this kind. The third was a healthy man. There was a fourth death of a driver, an officer's servant, from heart disease; but

*Sir William Harcourt*

he was riding on a waggon all day, and had undergone no fatigue, nor did he complain till later in the day. It is remarkable that from the Brigade which went over the most ground and did the hardest work the smallest number of men—only 12—fell out, and none went into hospital. In reply to the next Question, I find that there is nothing in the Queen's Regulations limiting the hours for parades or exercises in this country; but it is well understood, and the practice is universally acted upon, that at times of exceptional heat all parades are to take place in the early morning, so that troops may be back in camp before the power of the sun becomes excessive. I do not think that, beyond this well-understood rule, attention to which has been especially called by a Circular issued on Tuesday, the discretion of commanding officers need be hampered. We are all greatly distressed by, and deeply lament the deaths of these men; but I think I have stated plainly the exceptional circumstances under which they occurred. With reference to my hon. Friend's last Question, it may interest the House to know what precautions have been taken as to the Volunteer Review by the Quartermaster General, who has been for some time past engaged in preparations for the comfort of the men taking part in the Review. With respect to the conveyance of the 52,000 men to Windsor, the Railway Companies have heartily co-operated with the military authorities, and all practical arrangements have been attended to. As to the supply of food during the day, this has always been arranged by the commanding officers of the respective regiments; but we endeavoured to help them by suggesting to some large firms accustomed to such business that they should establish booths for the sale of provisions on the ground, under arrangements with the Ranger of the Park. We found, however, that no well-known firm would undertake this; and it was then settled to revert to the ordinary plan, which seems most acceptable to the corps themselves; and I have authorized, as a special and exceptional arrangement, having regard to the unusual number of men assembled on the ground, the issue of a ration allowance of 1s. or 2s. a-head, according to the distance the men have come. Ample supplies of water and

large blocks of ice will be in the rear of each division and at the railways, and great attention has been paid to the medical arrangements, both on the ground and at the stations. Should the day be very hot, care will be taken to keep the men under the trees as much as possible. I must apologize to the House for giving so long an answer; but it is perhaps justified by the public interest in this matter.

MR. H. R. BRAND said, he would be much obliged if the right hon. Gentleman could direct inquiries to be made how it was that the men were not able to take a rest after the Review, and before they returned?

MR. CHILDERS said, he thought he could answer that Question now. Nothing was more disagreeable to the men than not to go back promptly to their dinner; and certainly the greater part of the casualties which occurred took place directly in consequence of that somewhat natural desire, after being out all the morning, to get their dinners as soon as possible.

#### ARMY ORGANIZATION (THE AUXILIARY FORCES)—SERGEANT-MAJORS OF VOLUNTEERS.

COLONEL KENNARD asked the Secretary of State for War, Whether Sergeant Majors of the Volunteers, appointed as such before the Royal Warrant of 1878, may be allowed to retain their rank and enjoy all the advantages accruing to them under that title, as regards pension?

MR. CHILDERS: No, Sir. This question was fully and carefully considered by my Predecessor; and I am not prepared to alter the decision, which only gave to Volunteer corps an acting sergeant-major.

#### ARMY ORGANIZATION SCHEME—RULE 77—COMPULSORY RETIREMENT.

MAJOR O'BEIRNE asked the Secretary of State for War, If officers who entered the service above the age of twenty from the Militia, or as University candidates, and in whose favour a relaxation is made in the age of compulsory retirement, by Rule 77 of the New Army Reorganisation Scheme, will be allowed to benefit likewise by Rule 49, and consequently become available for regimental and staff employment up to the age of forty-five?

MR. CHILDERS: Yes, Sir; those officers will be able to do what my hon. Friend suggests.

COMMERCIAL TREATY WITH FRANCE  
(NEGOTIATIONS).

SIR CHARLES FORSTER asked the Under Secretary of State for Foreign Affairs, Whether deputations from trading communities can be received now that the proceedings of the French Commissioners have been suspended; and, if not, whether any facilities can be afforded for making representations as to the manner in which particular trades will be affected by the proposed Treaty?

SIR CHARLES W. DILKE: The sittings of the Royal Commission for the purpose of receiving deputations are for the present suspended; but the Commissioners will be very happy to receive any written representations which particular trades may have omitted to send in.

AFRICA (WEST COAST) — THE WAR  
WITH ASHANTEE — PAYMENT OF FINE.

MR. RICHARD asked the Under Secretary of State for Foreign Affairs, Whether it is correct, as stated in the papers, that the 2,000 ounces of gold dust imposed as a fine on the King of Ashantee have arrived in this country; whether, as also alleged, the celebrated Gold Axe of Ashantee, an article held in great reverence by the King and people of that country as "an emblem of high sovereignty," and forming no part of the exacted indemnity, has, by the repeated importunities of a trading captain, Captain Barrow, been delivered up and brought to England as a present to the Queen; and, whether Captain Barrow was invested with any official authority to treat with the King of Ashantee for the surrender of this article?

SIR CHARLES W. DILKE, in reply, said, that 1,200 ounces of gold dust had been received out of 2,000, and that bonds had been taken for the remainder in six months. Papers to be laid before Parliament would show the circumstances in which the King of Ashantee had decided to send the Gold Axe. The King stated that he surrendered it on the understanding that it would be sent to England to the Queen. Captain Barrow was not in the Merchant Service, but was a distinguished military

officer who had acted as Political Secretary, and had been sent on various missions in the interior.

MR. HEALY asked whether the British Government claimed the right to exact tribute from every unhappy African King?

SIR CHARLES W. DILKE: No, Sir.

MR. RICHARD asked whether Captain Barrow had any authority to treat with the King of Ashantee for the surrender of the Axe?

SIR CHARLES W. DILKE: Captain Barrow was authorized to treat with the King of Ashantee, but not to demand the surrender of the axe.

POST OFFICE (IRELAND) — MAIL  
TRAINS TO THE SOUTH AND WEST —  
STOPPAGE AT THURLES.

MR. A. MOORE asked the Postmaster General, Whether he has received several applications from public bodies and private individuals begging him to permit the mail trains to be stopped at Thurles, and thus enable passengers and mails to be more conveniently and speedily transmitted to Clonmel and other districts by the new line of Railway recently opened; whether he is aware that the line was constructed on a guarantee on the rates of the County; and, whether, considering the interests of the ratepayers, and the convenience of the public, he can now accede to these applications?

MR. FAWCETT, in reply, said, he had carefully considered the applications referred to in the Question, and found that no public advantage would ensue from complying with them. The disadvantage of stopping the trains would be that it would cause the trains to arrive somewhat later at Cork and Limerick. This would delay the letters, and would probably be inconvenient for the passengers. He was very sorry he could not accede to the request.

FOREIGN JEWS IN RUSSIA — EXPULSION OF MR. L. LEWISOHN, A  
NATURALIZED BRITISH SUBJECT.

BARON HENRY DE WORMS asked the Under Secretary of State for Foreign Affairs, Whether the Report of the Law Officers of the Crown on the case of Mr. Lewisoohn has been received; and, if so, whether the illegality of Mr. Lewisoohn's expulsion is confirmed by that report or

not; and, whether Her Majesty's Government will alone, or acting in conjunction with those Powers whose Jewish subjects have been similarly ill-treated, address a protest to the Russian Government on the subject?

SIR CHARLES W. DILKE: We have received a preliminary Report from the Law Officers of the Crown, and communications on the subject are passing.

#### NATIONAL EDUCATION (IRELAND)— SCHOOL CHILDREN.

MR. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, If he has had his attention called to the Report of the Commissioners of National Education in Ireland, for the year 1880, just placed in the hands of Members; whether he has noticed the following statement with reference to the great increase in the daily average attendance of pupils:—

"This unusually large increase of 33,503 in the average attendance is to a considerable extent due to the benevolent operations of the Committee organised by her Grace the Duchess of Marlborough, the Mansion House Committee, and the 'New York Herald' Committee, who, in the early part of the year, supplied clothing and rations of food to destitute children in the schools of the impoverished districts;"

and, whether, looking to the impossibility of dealing permanently with this sad form of want in Ireland by means of private benevolence, he will advise the Government to take into consideration the necessity for making some arrangement by which a ration of food shall be given daily, at the public expense, to destitute children attending school in the impoverished districts?

MR. W. E. FORSTER, in reply, said, that he had seen the extract quoted by the hon. Member, but feared that if he acted on the suggestion he should be introducing a most important change. To give daily rations of food at the public expense would virtually be to give outdoor relief, and the hon. Member would at once perceive the great danger of taking such a course.

#### AGRICULTURAL DISTRESS (IRELAND)— —REPORT OF THE DUKE OF RICHMOND'S COMMISSION.

MR. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been

called to a Report, issued to Members on the 5th July, drawn up by the Assistant Commissioners on Agriculture, and dated 1st January 1880; whether he has noticed the following statement in the Report with reference to the condition of the people in many parts of Ireland:—

"A succession of bad harvests has prevented them from paying up their accounts regularly. In this way debts have accumulated until many of the small farmers have come to owe the shopkeepers and others four, five, six, and even ten times the amount of their annual rent;"

whether he has noticed, amongst others, the following statements:—

"It appears to us that no industrial system could flourish under such conditions as we have described. Our experience justifies us in saying that there are many thousands of small farmers in Ireland who are paying away as interest an amount equal to the rent to their land;"

and again,

"We have already visited hundreds of these farms, and found the occupants of them in so deplorable a condition that we feel unable to describe it in a way which would enable His Grace (the Lord Lieutenant) to realise it fully;"

whether, looking to the fact that the revelations contained in the Report would, if supplied in time, have afforded valuable information to Members in considering the Irish Land Bill, he can inform the House why it was kept back so long; and, whether any further Report has been made by the Assistant Commissioners; and, if so, when can it be laid upon the Table of the House?

MR. W. E. FORSTER, in reply, said, he thought the hon. Member had asked him this Question by mistake. It ought to have been asked of some Member of the Duke of Richmond's Commission. That Commission was not under the control of the Irish Government. He supposed the hon. Member was induced to ask him the Question because of the presence of the words "His Grace" in one of the extracts. The words "His Grace" referred to the Duke of Richmond, and not to the Lord Lieutenant of Ireland.

MR. DAWSON: The Report referred to was addressed to the Lord Lieutenant.

MR. W. E. FORSTER said, he had the Report in his hand, and it began by stating—

"In accordance with your instructions, we submit to the consideration of His Grace the President of the Royal Agricultural Commission, &c."



## ARMY DISCIPLINE AND REGULATION ACT.

VISCOUNT EMLYN asked the Secretary of State for War, Whether he can now lay upon the Table of the House a Copy of the Rules made by him under the provisions of the Army Discipline and Regulation Act, for the punishment of serious offences committed by soldiers upon active service?

MR. CHILDERS: No, Sir; but I hope to be able to do so before the end of the month. I have not received all the strictly confidential opinions for which I applied to officers of experience in command; but I expect these inquiries will be completed in a few days.

## TURKEY AND GREECE—THE FRONTIER QUESTION.

MR. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether the evacuation of the first section of the territory to be ceded to Greece by Turkey not later than July 5th 1881, under the stipulations of the annex to the Convention of May 24th 1881, has been duly carried out?

SIR CHARLES W. DILKE: A telegram was received yesterday from General Hamley stating that the Turks had retired from the Frontier, and that the Greeks had crossed and taken possession. All had been done in good order.

## PIERS AND HARBOURS (IRELAND—CO. CLARE.

MR. O'SHEA asked the Financial Secretary to the Treasury, Whether his attention has been called to the smallness of the sums of money granted from any of the sources recently available for such purposes, towards the improvement of the fishing harbours and creeks in Clare; whether representations have been made to him as to the extraordinary way in which the fishermen of that county have availed themselves of every chance that has been afforded them, and as to the alacrity with which they have paid rents and other debts, out of their earnings under the first revival of their industry; and, whether under these circumstances, Her Majesty's Government are disposed to afford any further facilities for the improvement of some of the fishing harbours and creeks on that dangerous coast?

LORD FREDERICK CAVENDISH: Until I read my hon. Friend's Question, my attention had not been called to the smallness of the sums assigned to County Clare. I may say, however, that the apportionment of the recent Canadian and Parliamentary grants of £60,000 was made on the recommendation of a Special Committee, which carefully examined the proposals brought before it, and the Treasury have no reason for thinking that the claims of County Clare were not duly weighed. I have no special knowledge of the condition of the fishermen on that coast. Considering the terms on which the special grant of £45,000 was made last year, I cannot at present make any promise with respect to further free grants. Any application for a loan on sufficient security, however, will be carefully considered.

## TRADE AND COMMERCE—FOREIGN COMMERCIAL TREATIES.

MR. JACKSON asked the Under Secretary of State for Foreign Affairs, Whether, following the precedent of 1872, when M. Kindt was present as the representative of Belgium at the discussions in Paris between the British and French Commissioners to settle the Compensatory Duties, Her Majesty's Government will take steps to secure that a representative of England shall be present at the Conferences about to be held to discuss the terms of Commercial Treaties between France and Belgium, and between France and other countries?

SIR CHARLES W. DILKE. I would beg leave to point out to the hon. Member that there is no precedent in the case of the negotiations in 1872 for what he proposes should be done now. When M. Kindt was present at the discussions between the British and French Commissioners in that year, a Treaty between this country and France had already been signed, and it was considered that the presence of a well-qualified and impartial Belgian official would facilitate an agreement as to the rates of the Compensatory Duties. In the present case, however, no Treaty has been signed; and I can hardly think it probable that the French Government would consent to the unusual, if not unprecedented, course which the hon. Member proposes.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. CUNNINGHAM, OF LOUGHREA, A PRISONER UNDER THE ACT.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that Mr. Cunningham of Loughrea, who has been imprisoned under the Coercion Act, and now lies in Dundalk Gaol on the charge of meeting to murder presumably the man Dempsey, is a relative of the murdered man?

MR. W. E. FORSTER, in reply, said, he was informed that Mr. Cunningham, who was now in Dundalk Gaol, was a second cousin of the man Dempsey. The warrant for his arrest stated that he was suspected of inciting to murder. He might remind the hon. Member that there had been three bad murders lately in the Loughrea district.

ARMY (AUXILIARY FORCES)—THE WINDSOR REVIEW.

MR. SCHREIBER: I beg, before asking the Question which stands in my name, to request the permission of the House to read a short extract from the morning papers of Tuesday on which my Question is founded. The extract says—

"Enclosures will be reserved to the left of Her Majesty for the members of the Royal Household, the Press, the Four-in-Hand Club, the Eton Boys—at least, those of them who are not present with their corps on the field—officers on foot and in uniform. On the right of Her Majesty places will be reserved for the Park officials, the children of the Royal Schools, the students of Cooper's Hill Indian Engineering College, and with these exceptions the remainder of the line of view will be free to all comers"—

that is to say, to Mr. Speaker, to the Lord Chancellor, and to Members of both Houses of Parliament. In answer to previous Questions on the same subject, I have hitherto been told that Members of this and the other House of Parliament could not have reserved places at the Review, because no places were to be reserved. After what has appeared in the newspapers on the subject, I have now to ask the Secretary of State for War, Whether it could be arranged that Peers and Members of Parliament wishing to attend the Volunteer Review on Saturday should be admitted, on presentation of their cards, to the spaces which it now

appears will be reserved on the right hand and on the left of the position to be occupied by Her Majesty?

MR. CHILDERS: My answer is that the whole of the arrangements rest not with me, but with the Ranger of the Park. I know nothing of, and have not even seen, the notice in the paper quoted by the hon. Member. I may add that I have no intention of making to the Ranger any representations on the subject.

MR. SCHREIBER wished distinctly to understand whether the right hon. Gentleman, having seen the Question on the Paper for some days past, had not thought fit to communicate with His Royal Highness the Ranger of Windsor Park on a subject of so much interest to Members of both Houses of Parliament?

MR. CHILDERS: I have already twice answered the Question, and have distinctly stated that I have no authority in the matter. I do not propose to address to the Ranger any communication on the subject.

MR. LABOUCHERE asked what Minister was responsible to Parliament for the action of the Ranger?

MR. CHILDERS: I myself most certainly am not. I believe the First Commissioner of Works is.

MR. T. P. O'CONNOR asked what was the name of this Ranger who had put this snub on the House of Commons?

MR. CHILDERS said, that, in his opinion, the concluding words of the hon. Member were decidedly un-Parliamentary.

MR. T. P. O'CONNOR: Mr. Speaker, I rise to Order. I beg to ask you, Sir, whether a right hon. Gentleman has a right to usurp your function, and describe as un-Parliamentary an observation made by another Member of the House?

MR. SPEAKER made no reply to this Question.

MR. CHILDERS: What I said was that, in my opinion, the use of the word "snub" is not Parliamentary.

MR. O'KELLY rose amid loud cries of "Order!"

MR. SPEAKER: The right hon. Gentleman was in possession of the House when the hon. Member rose.

MR. CHILDERS: I want only to add that the Ranger of Windsor Park is Prince Christian.

MR. SPEAKER said, that the right hon. Gentleman was entitled to say that

in his opinion the language of the hon. Member was un-Parliamentary.

MR. MACDONALD asked whether the right hon. Gentleman would state what claim the Four-in-Hand Club had to a place at the Review?

MR. CHILDERS: I told the House five times as distinctly as I could that I have no authority in the matter.

MR. A. M. SULLIVAN: I do not wish to add to the numerous Questions which have been showered upon the right hon. Gentleman; but I should like to know whether the First Commissioner of Works is in the House? If he is present, I would put the question to him as to whether he can throw any light upon this Four-in-Hand question?

MR. SHAW LEFEVRE: No, Sir; I am sorry to say that I cannot throw any light upon it. The Ranger of Windsor Park is not under my control.

MR. CHILDERS: I have to apologize for having, by a slip of the tongue, misled the House by saying that the Ranger of Windsor Park was under the control of the First Commissioner of Works instead of the Commissioner of Woods and Forests, which is a Department subject to the supervision of the Treasury.

MR. SCHREIBER said, that, under these circumstances, he begged to give Notice that he would ask his Question of the Prime Minister.

#### ARMY — DECEASED SOLDIERS' EFFECTS.

MR. P. A. TAYLOR asked the Secretary of State for War, Whether it is the fact that Private William Brooks, of the 1st Dragoon Guards, died in Zululand nearly two years ago (September 1879); whether repeated applications have been made to the War Office on behalf of his mother for her son's effects and for some money he had saved and desired should be remitted to her, with no other result than replies that no information had been received; and, whether he will cause some better arrangements to be made, to the end that more rapid justice may be rendered to the friendless relations of deceased soldiers?

MR. CHILDERS: The facts are as my hon. Friend states; but I am glad to say that the statement of Private Brooks' accounts was received at the War Office on the 5th instant, and the money will be paid to his relation forth-

with. The officer commanding the regiment has been communicated with on the subject of the delay, which appears to have been excessive. The instructions on this subject are now perfectly plain.

#### MERCANTILE MARINE—PILOTAGE AT SWANSEA.

MR. PULESTON asked the President of the Board of Trade, Whether he will lay upon the Table of the House, the Correspondence relative to non-compulsory pilotage at Swansea; and, whether he can state what action he proposes to take in reference to this and other questions which have been raised affecting the pilot interest?

MR. CHAMBERLAIN, in reply, said, the correspondence on this matter was not yet complete. As soon as it was complete there would be no objection to laying it on the Table. A letter had been addressed to the Trustees of Swansea Harbour asking some information, and until that information was received he was unable to say what action the Board of Trade would take in the matter.

#### FRANCE AND TUNIS (ADMINISTRATION).

MR. T. BRUCE (for the Earl of Bective) asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a statement in the public press, that M. Roustan directs not only the Foreign Office of Tunis, but also most of the Government Departments, and that claims by the municipality and other bodies against Europeans are made by M. Roustan; whether he is aware that in one of the aforesaid capacities M. Roustan has adjudged to a French subject a portion of ground adjoining the English Church, and secured in perpetuity to the British Colony by a deed signed by the Bey and the Bishop of Gibraltar, a counterpart of which has been deposited in the archives of the British Consulate at Tunis; and, if he will communicate with Her Majesty's Agent and the Rev. E. Frankel on the subject, with a view to the protection of the British rights involved?

SIR CHARLES W. DILKE: No confirmation of the newspaper report to which the noble Lord's Question calls attention has been received from Her

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Majesty's Agent and Consul General in Tunis. With reference to the second portion of the noble Lord's Question, and the reply which I gave to him on Tuesday last, I may state that I have this day received from the Rev. E. Frankel the information, which he appears to have already given to the noble Lord, with regard to the ground adjoining the British Church, of which Mr. Frankel states that Mr. Reade was ordered by the President of the Municipality to take possession, and did so by having it fenced in and levelled for a lawn tennis court. If Mr. Reade considers that any injury has been done to British subjects or property, he will, no doubt, at once communicate with Her Majesty's Government on the subject.

#### THE CIVIL SERVICE—CLERKS IN THE LOWER DIVISION.

MR. OTWAY asked the Secretary to the Treasury, Whether Her Majesty's Government have considered the case of the clerks in the lower division, as stated in a Memorial from them which has been presented to the Treasury, and have taken any decision in the matter?

LORD FREDERICK CAVENDISH: Yes, Sir; the Treasury has given a most careful consideration to the Memorial referred to in the Question, and their decision is stated in a Treasury Minute, which I shall be happy to lay on the Table of the House if my hon. Friend likes to move for it.

#### THE WEST INDIES—THE ISLAND OF BARBADOES.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, Whether the Government will take advantage of the opportunity afforded by the appointment of a new Governor of the Windward Islands to insist on the much-needed reforms in the constitution and government of Barbadoes, especially the reforms recommended by Lord Carnarvon in 1877; and, whether he will lay upon the Table Copies of the Instructions which have been given to Mr. Robinson on these points, or take an opportunity of making a statement on the subject to the House?

SIR CHARLES W. DILKE, in reply, said that a number of Constitutional changes had been effected in the Barbadoes since 1877. The Executive Council

had lately constituted an Executive Committee, which accomplished important works. The reforms proposed by Lord Carnarvon were for the most part ineffective, except that the officers of the Government were permitted to sit and speak in the Assembly without votes. Two such officers had been appointed for the last three years, and had introduced many Bills. Mr. Robinson had invited the Assembly to legislate upon various subjects, and hitherto the Assembly had shown itself quite ready to adopt his suggestions. No particular instructions had been sent to Mr. Robinson, as the Government had reason to believe that he was discharging his duties in a satisfactory manner.

#### PEACE PRESERVATION ACT, 1881—PRISONERS IN NAAS GAOL.

MR. LALOR asked the Chief Secretary to the Lord Lieutenant of Ireland, During how many hours in the day, and in what amount of space, are the prisoners who are confined under the Peace Preservation Act in Naas Jail permitted to take exercise; and, if he would have any objection to permit such of the prisoners as the Governor of the jail might select to take exercise, under supervision, outside of the prison, on their pledging their word to hold no communication with their friends or other persons outside, and to return in obedience to rule?

MR. W. E. FORSTER, in reply, said, that the first part of the Question related to matters of detail, which he could not explain till he received information from Dublin. In regard to the second Question, he must state that the Government could not give the information desired.

#### MERCHANT SHIPPING ACT, 1875—IMPRISONMENT OF BRITISH SAILORS ABROAD.

DR. CAMERON asked the Under Secretary of State for Foreign Affairs, Whether it is not a fact that, under the Merchant Shipping Act, prisons used for the imprisonment of British sailors sentenced by naval courts abroad must be approved by the senior naval officer and certified in writing as proper for the purpose; whether, knowing that the gaols of Callao and Lima, always very bad, were in an exceptionally bad and

dangerous condition during the Chilian occupation in February last, and without the necessary certification of their fitness, Mr. St. John, the British Minister at Lima, ordered the imprisonment in them of seven British seamen sentenced by a naval court for insubordination on board the merchant ship "Fort George;" whether Mr. St. John persisted in his attempts to have the men imprisoned in the gaols of Callao and Lima in spite of repeated remonstrances; and, whether he will lay upon the Table any Correspondence relating to the subject?

SIR CHARLES W. DILKE: According to the 18th Paragraph of the Merchant Shipping Act of 1875, the senior Naval or Consular Officer present at the place where a Naval Court is held is to approve the prison in which men sentenced to imprisonment are to be confined. On the occasion referred to in the Question, no Consular Officer appears to have been at the Naval Court, and it is not known whether the Naval Officer approved the prison. Mr. Spenser St. John reports having found a portion of the Lima Prison in a proper condition; but it is not known why the sentenced men were not placed there. Further inquiries are being made into the question, and the Papers cannot, therefore, be laid before Parliament at present.

DR. CAMERON asked whether Mr. St. John made inquiries as to the fitness of the prison before these men were detained?

SIR CHARLES W. DILKE: That is one of the points upon which further inquiry is to be made.

#### POST OFFICE (IRELAND)—THE TELEGRAPH SERVICE.

##### POST OFFICE SAVINGS BANKS—FEMALE CLERKS.

MR. A. M. SULLIVAN asked the Postmaster General, If he is aware that the permanent officials of the Post Office have decided that (in Ireland), telegraphists who joined the Telegraph Service after the transfer to the State are not eligible for any vacancy occurring in the Accountant's Department (Ireland), and that telegraphists who were taken over by the State at the transfer are eligible; and, if bearing in mind his recent statement as to telegraphists

in general, he can state what is the nature of the distinction which appears to exist?

MR. O'CONNOR POWER asked the Postmaster General, When the open competition for female clerkships in the Post Office Savings Bank will take place?

MR. FAWCETT: Telegraphists who have been appointed subsequent to the transfer are not eligible for appointment to vacancies in the Accountant's Department (Ireland), because the standard of examination for that office is higher than that prescribed for telegraphists. The standard of examination had not been prescribed at the time of the transfer; and it was held that the transferred telegraphists were eligible for appointment to any office to which clerks at that time in the Service could be appointed under the Regulations then in force. The Department of the Accountant of the Post Office in Ireland was one of those offices. In reply to the Question of the hon. Member for Mayo, I may state that the scheme for the open competitive examinations for female clerkships in the Savings Bank Department of the Post Office will come into operation almost immediately. The preliminary examination will be held on the 12th of August, by which the candidates will be sifted. The second and final examination will be held on the 2nd of September. The preliminary examinations will be conducted in 15 of the largest towns in England, Scotland, and Ireland, and the final examinations in London, Edinburgh, and Dublin.

#### INDIA—THE FOREST DEPARTMENT.

MR. ROUND asked the Secretary of State for India, If admissions to the Forest Department under the Government of India are by competition, or if there are any recent cases on record in which officers have been appointed either by the English or Indian authorities without undergoing any previous examination?

THE MARQUESS OF HARTINGTON: Candidates in this country for nomination to junior appointments in the Forest Department in India are required to pass an examination, and from among those who attain the required standard a selection is made of such as are deemed best adapted to the service. No recent appointments have been made

by the authorities in this country without previous examination. Under the rules for the selection of candidates in India no previous examination is required if applicants can produce satisfactory certificates of their acquirements. Candidates selected in this country undergo a special training at the Forest School at Nancy before receiving their appointments; and those selected in India are required to pass two years' training in the forests attached to the Government Forest School, or to serve as probationers for the same length of time before their appointments are confirmed.

#### PARLIAMENT—RULES AND ORDERS— ANSWERS TO QUESTIONS.

MR. GORST asked the First Lord of the Treasury, Whether arrangements could be made by which, when Questions are asked which required mere Department information, the answers thereto might be printed with the Votes, and thus save the time which is taken up by the oral delivery of the reply of the Department in the House by the Minister in charge?

MR. GLADSTONE: This important subject would necessarily require a good deal of consideration. I think it could not be adopted as a general rule.

#### SOUTH AFRICA—THE TRANSVAAL AMSTERDAM LOAN.

BARON HENRY DE WORMS asked the First Lord of the Treasury, Whether his attention has been called to the following advertisement which appears in the "Times":—

"The Coupons of the Transvaal Amsterdam Loan will be paid under the usual conditions on the 1st July next, by Messrs. Insinger and Co. at their offices in Amsterdam. This payment falling due within the period during which the Commission charged with the settlement of affairs in the Transvaal is still sitting, Her Britannic Majesty's Government has supplied the necessary funds, but it hereby gives notice that by so doing it recognises no obligation to provide for any subsequent dividends, and in no way guarantees the payment of either principal or interest in the future;"

and, whether it is the intention of Her Majesty's Government to repudiate the obligations entered into and cancel the guarantees already given with respect to the principal and interest of the Transvaal Amsterdam Loan on the strength of and in faith of which numbers of British

subjects and others have invested their savings in that loan?

MR. GLADSTONE: This is a matter on which I have communicated with the Colonial Office, and what I understand to be the case is this. At no period has the British Government admitted any liability, or given any guarantee with respect to this loan. In order to guard the credit of the Transvaal Government, the Colonial Office have given instructions for the payment of the interest falling due within the period during which the Commission charged with the settlement of affairs in the Transvaal is sitting. Arrangements are now being made by the Royal Commission which will involve negotiations for the resumption by the new Transvaal Government of all obligations. Although arrangements have been made from time to time, it has always been with the distinct understanding that there would be no liability on the part of the British Government.

#### WAYS AND MEANS—INLAND REVENUE —SUCCESSION DUTY (IRELAND).

MR. NORTHCOTE asked the First Lord of the Treasury, If it is his intention to make any provision for the repayment to Irish landlords, the rental of whose estates may be diminished by the action of the Court proposed to be created by the Irish Land Bill, of a proportionate amount of the Succession Duty paid by them on succeeding to real estates in Ireland since 1870?

MR. GLADSTONE, in reply, said, he was not prepared to return any amount of the Succession Duty paid by Irish landlords on succeeding to their estates. The duty was fixed on the most lenient conditions, and was not liable to be returned according to the subsequent depreciation or decrease of value in the property.

#### CURRENCY—INTERNATIONAL MONE- TARY CONFERENCE AT PARIS—BI- METALLISM.

MR. MAGNIAC asked the First Lord of the Treasury, Whether any engagement has been made by the Government, or any authority conferred on the British representative at the Silver Conference in Paris, which goes beyond the use of silver as at present permitted by Law for purposes of currency; whether the Trea-

sure have made any communication to the Directors of the Bank of England requiring or requesting them to hold in silver any part of their reserve for the due payment of notes; and, if so, what; whether the Government have authorised or concurred in any engagement by the Secretary of State for India, by which the free action of the Government of India, in dealing with silver for currency purposes, would be restrained; whether he will state if there is any intention on the part of the Government to alter in any degree whatever the standard upon which our present system of currency depends; whether, having regard to the fact that speculation in silver, by which much temporary disarrangement would be imported into operations of trade, is likely to arise during the sitting of the Conference, he will instruct the British Commissioner to hasten the decision as much as possible, so as to put an end to the intermediate state of uncertainty; and, whether he can lay upon the Table any Papers bearing upon the question?

MR. GLADSTONE: 1. No engagement has been made by the Government, and no authority conferred on the British Representative at the Paris Conference, to alter the limits now imposed by law upon the use of silver as currency. 2. The Government were informed that an agreement might be possible between the silver-using Powers if, among other matters, the Bank of England would hold in the issue department part of its reserve in silver, and they communicated their information to the Bank, inviting the Bank Court to state its opinion upon such an exercise of the discretion entrusted to the Bank by the Act of 1844. The Court replied that it saw no reason why an assurance should not be conveyed to the Monetary Conference, if the Treasury thought it desirable, that the Bank, agreeably with the Act of 1844, will be always open to the purchase of silver, provided that the Mints of other countries return to such rules as would insure the conversion of gold into silver and silver into gold. The Treasury, noting the statement of the Bank that it saw no danger to the principle of the Act of 1844 in such an assurance, caused the Delegate of the United Kingdom at the Conference to be instructed to convey the assurance to the Conference. Mr. Fremantle informed the Conference accordingly at its

*Mr. Magniac*

meeting of yesterday. 3. The Secretary of State for India will state whether he has authorized the Delegate of India to convey any assurance to the Conference. 4. There is no intention on the part of the Government to alter the present Currency Law. 5. The Government could not undertake to make representations to the Conference as to its course of proceeding. 6. If the hon. Member will move for Papers, I will have such of them as explain the action of the Government presented.

THE MARQUESS OF HARTINGTON: The only engagement which the Representatives of the Government of India at the Monetary Conference have been authorized to make on behalf of that Government is that for a definite term of years it will undertake not to depart in any direction calculated to lower the value of silver from the existing practice of coining silver freely in the Indian Mints as legal tender throughout the Indian Dominions of Her Majesty. Such a declaration must, however, be conditional on the acceptance by a number of the principal States of an agreement binding them, in some manner or other, to open their Mints for a similar term to the coinage of silver as full legal tender in the proportion of 15½ of silver to 1 of gold, and the engagement on the part of India would be obligatory only so long as that agreement remained in force.

In reply to an hon. MEMBER,

THE MARQUESS OF HARTINGTON said, he thought there would be no objection on the part of the Government to the publication of the proceedings at the Conference. He believed that a record of the transactions was being made; but it would be some time before it was completed. He should, perhaps, therefore, move that it be given as an unopposed Return. As the document would be so voluminous, he did not think it desirable to print it; but he would be able to place some copies of it in the Library of the House.

SOUTH AFRICA—THE TRANSVAAL PAPERS—BUSINESS OF THE HOUSE.

SIR MICHAEL HICKS - BEACH asked the First Lord of the Treasury, When the further Papers relating to South Africa will be published, and whether they will include Mr. Forasman's letter and any other Memorials

addressed to Her Majesty's Government from the Transvaal; whether any communications have passed between Her Majesty's Government and the present Government of the Cape Colony with reference to the Basutos; and, if so, whether those communications will be included in the Papers?

**MR. GLADSTONE:** The Papers relating to the Transvaal will be placed in the hands of hon. Members to-morrow. The Memorials referring to claims only will not be included, as they are only documents of first instance which must be referred to the re-assembled Commissioners before the Government will be in a condition to ask for a judgment upon them. Upon the subject of Basutoland, there are certain communications between the Government and the new Ministry at the Cape; but they are incomplete, and will not be comprised in the Papers to be distributed to-morrow. In case we should, as I hope we may, conclude the Committee on the Land Law (Ireland) Bill in the course of next week, towards the close or by the close, we shall be ready to appropriate the Monday in the following week, the first clear day at our command, to take the debate on the Transvaal.

**SIR STAFFORD NORTHCOTE:** Am I right in inferring that we are to know nothing of the claims made for compensation until they are decided on?

**MR. GLADSTONE:** I have not said as much as that; but we do not propose to present to the House any document of that kind at the present stage.

#### PARLIAMENT—BUSINESS OF THE HOUSE—THE BEER BILL.

**COLONEL BARNE** asked Mr. Chancellor of the Exchequer, Whether the Government intend to absorb Wednesday July 20th with their business, when the Bill for better securing the purity of Beer is the first Order for Second Reading?

**MR. GLADSTONE,** in reply, said, he did not know whether the hon. and gallant Member saw a felicitous connection between a measure for promoting the purity of beer and the absorption of Wednesday by Government Business. He should be glad if the Committee were concluded before Wednesday. As he had stated, it was their duty to go forward with the Committee from day to day; and until it was concluded he

was afraid the Bill referred to could not come on.

#### THE NEW FRENCH GENERAL TARIFF.

**MR. MONK** asked the First Lord of the Treasury, Whether, considering the great importance to the commercial community of obtaining the earliest information respecting the Tariff upon which the French Government propose to base a Commercial Treaty with this Country, Her Majesty's Government will cause the necessary information respecting that Tariff to be laid, without delay, before Parliament? The hon. Gentleman said he pressed this matter on the attention of the Government, because the Return of the new General Tariff which had been presented to Parliament was calculated to mislead the public and the country.

**MR. GLADSTONE:** No doubt, the public would make a mistake if they were to assume that the new General Tariff has been laid before them, and that they have the final practical arrangements under which the commerce of the two countries is to be conducted. I hope it will not be so. We shall be glad when the communications between the Commissions now reach such a state as to enable us to give more practical information on the subject; but at present such projected Tariffs as have been produced to the Commission are considered as confidential at the request of the French Commissioners. We are, therefore, not at liberty to produce them.

**VISCOUNT SANDON:** It may be convenient if I put a Question to the right hon. Gentleman which is germane to the answer just given. It is—(1.) Whether he can hold out any hope of being able to make public the "Tarif à discuter"—that is, the secret terms for the new Commercial Treaty offered by France to England, before the close of the Session, and before Her Majesty's Government finally commits the country to the acceptance or rejection of a Treaty; (2.) And whether, during the month which is to elapse before the Anglo-French Commission re-assembles for final decision, Her Majesty's Government will communicate confidentially to the leading officers of each of the principal Trades Unions (registered under Act of Parliament) concerned with the trades affected by the French Tariff, and, so far as it relates to their own



trades, the terms above mentioned—that is, the “*Tarif à discuter*,” in the same manner as these terms have been confidentially communicated by the Foreign Office to Chambers of Commerce and to manufacturers, in order that Her Majesty’s Government may have the advantage of becoming acquainted with the views and practical experience, not only of the master manufacturers, but also of the important and numerous bodies of handicraftsmen whose wages and means of living will be largely affected by the decision as to a Commercial Treaty with France?

MR. GLADSTONE: I think it would be better to postpone the answer, because I am not able at present to give any positive engagement about producing the Tariff. On the other hand, I should be unwilling to abandon the hope of producing it, because we are most anxious to make it known as soon as we can do so without misleading the public or violating the consideration which we owe to those with whom we are in communication.

#### TURKEY—SULTAN ABDUL AZIZ—CONDEMNATION OF MIDHAT PASHA.

MR. STAVELEY HILL asked the Under Secretary of State for Foreign Affairs, Whether he had any information from Constantinople with regard to the fate of Midhat Pasha?

SIR CHARLES W. DILKE: I can give no information upon this subject. The telegrams which have passed up to the present time do not show what are Lord Dufferin’s views; but representations are being made.

#### PARLIAMENT—PUBLIC BUSINESS.

MR. DILLWYN wished to ask the Prime Minister whether, in case the Land Law (Ireland) Bill were concluded as soon as he expected, he intended to take Tuesday nights for Government Business after the Morning Sitings, or to leave the Evening Sitings to private Members?

COLONEL BARNE: I should like to ask a similar Question with reference to Wednesdays, when the Land Law (Ireland) Bill is out of Committee.

MR. GLADSTONE: I was under a mistake in the answer I gave before when I said I feared that on the day the hon. Member referred to we should

be in Committee. I was under the impression that he meant Wednesday in next week; I find now that he means Wednesday, the 20th. The authority the House has given us is simply an authority for precedence on behalf of the Land Law (Ireland) Bill on all the days when it is set down; but upon other days we fall back under the ordinary rules; and that will probably be the state of the case until we have disposed finally of the Land Bill. It must be two or three weeks, at any rate, before we have finally disposed of it. I therefore feel hardly prepared to say what, in reference to the state of Public Business, it may be our duty to do; but obviously some opportunities will be left to private Members.

#### ARMY (AUXILIARY FORCES)—THE VOLUNTEER REVIEW AT WINDSOR.

MR. SCHREIBER gave Notice that to-morrow he would ask the Prime Minister whether he would personally communicate with His Royal Highness the Ranger of Windsor Park, for the purpose of obtaining admission, for Members of both Houses of Parliament wishing to attend the Review, to the reserved space enclosed in the Park on either hand of the position occupied by Her Majesty on that occasion?

MR. CHILDERS: The First Lord of the Treasury has asked me, with reference to the Notice just given, to read a letter I received two or three minutes ago after the Questions that were put to me. It is from Mr. Charles Gore, the First Commissioner of Woods and Forests. He says—

“I have made further inquiry to-day, by telegram, as to the possibility, if required, of making an enclosure for Peers and Members of Parliament. The existing enclosures are in front of the line of carriages. Any further enclosures will necessarily reduce the space available for the general public.”

Enclosed in that letter is another—not from the Ranger himself, who at the moment the inquiry was made was away, but from a gentleman in the Office, whose name I cannot be quite sure of; but which, as well as I can make out, appears to be Simmons. He uses these words—

“An enclosure could be formed of hurdles, either for the foot people or for carriages. There are no stands. Prince Christian thinks the enclosures would shut out the view of the general public.”

*Viscount Sandon*

MR. ARTHUR ARNOLD: I beg to give Notice that on going into Committee of Supply I shall move—

"That, in the opinion of this House, it is desirable that the charge of Windsor Park be transferred from the Commissioners of Woods, Forests, and Land Revenues to the Commissioners of Her Majesty's Works and Public Buildings."

### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [TWENTY-SECOND NIGHT.]

[Progress 6th July.]

Bill considered in Committee.

(In the Committee.)

#### PART IV.

PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

#### Miscellaneous.

Clause 14 (Limited administration for purposes of sale).

Amendment proposed,

In page 11, line 14, after the word "may," insert "on such terms and conditions, if any, as they may think fit."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. P. MARTIN wished to remind Members of the Committee who were not there yesterday of the circumstances under which this Amendment was moved. The noble Lord the Member for Woodstock (Lord Randolph Churchill) had moved an Amendment which made it imperative upon the Court, in every case in which a limited Administrator was appointed, to require such Administrator to give security for the due performance of the duties imposed upon him by the Act. The Attorney General for Ireland, in contesting that Amendment, showed clearly and plainly how unnecessary it was, and pointed out that a limited Administrator would have very few duties to discharge. Under those circumstances he had thought that the noble Lord would not further oppose the clause; but, with the perseverance which distinguished the noble Lord, he pressed

the matter still further, and at length induced the Attorney General for Ireland to introduce an Amendment which he (Mr. Martin) must characterise as, at the best, unnecessary, but which, in his judgment, would be mischievous and injurious to the interests of the tenants, and likely to give rise to considerable litigation. Turning to the 42nd clause of the Bill, it would be found that the fullest powers were given to the Court in regard to the making of rules, and giving directions of every kind for carrying the Act into effect. In point of fact, the Court had as full powers as he could conceive to be necessary. In this 14th section, which dealt with the appointment of a limited Administrator for the purposes of the Act, Her Majesty's Attorney General for Ireland now introduced words which must be taken by the Court as an indication upon the part of the Legislature that security must be given. The words of the Amendment were—"On such terms and conditions, if any, as they may think fit." He thought it would not unfairly be contended that these words meant that in every case some security must be given, and that the terms and conditions on which that security was to be taken alone was left to the discretion of the Court. What reasons existed for calling on the limited Administrator to be appointed for the purposes of this clause, as a general rule, to give security? According to the general principles of law, when a limited Administrator was appointed in reference to large estates—for instance, under the Court of Probate, he was not required to give security. Now, in like manner, under this clause, the limited Administrator was the agent to transfer a tenant's estate; and though it was true he received the purchase money, yet the provisions of the Bill did not permit him to retain that money, but directed specially what he had to do—namely—

"Such limited administrator may pay to the landlord, out of the purchase money, any sums due to the landlord in respect to his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into Court."

The 1st section of the Bill directed that in case of sale—

"Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period

give notice both to the outgoing tenant and the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or otherwise."

and in such case the purchaser to whom notice was given paid the amount to the landlord, unless he received notice that the tenant disputed the landlord's claim, in which case he was bound to pay the amount disputed into Court. Thus the duty of paying money into Court was a nominal duty, imposed without any real significance. It was a statutory duty imposed on the purchaser to see that the amount of rent mentioned in the notice should be paid to the landlord. No doubt, Her Majesty's Attorney General for Ireland was anxious to protect the landlord; but he did not understand that the limited Administrator was to retain the money in his hands for any length of time before he distributed it. What were the express directions of the section? He was to pay the landlord any sums due to the landlord by the deceased tenant; and he was to pay the residue of the purchase money either to the general Administrator or into Court. He felt bound to protest against the costly system of procedure enforced by the Bill in respect of the unfortunate small tenants. They were not dealing in this instance with the case of a large tenant with large interests, but with the case of some 400,000 small tenants in Ireland, whose entire interest in the farm would, in the gross, not exceed £100. Then, why should the Committee force upon these poor tenants unnecessary costs? First of all, there was the cost of serving the notice on the landlord; then of ascertaining the amount due to the landlord; then of the payment of the sum in dispute into Court; then there was to be the appointment of a limited Administrator, who was to give security. Was this security to be given upon a cumbrous form with a stamp, with two sureties brought in from a distance? and was all this additional cost to be imposed upon the tenant simply for the purpose of warding off the temporary opposition of the noble Lord the Member for Woodstock to the passing of this clause? They had further to provide for the additional cost of a general Administrator, and the costs of the proceedings necessary under the Act for giving security in the case of the appointment of a limited Administrator

would amount, at the very lowest, to £9, or a deduction of about 15 per cent on the proceeds of the sale which would find their way into the pocket of the tenant. Under these circumstances, he would most certainly enter his protest against the Amendment.

LORD RANDOLPH CHURCHILL said, he could not understand why the hon. and learned Member for Kilkenny (Mr. P. Martin) should consider it necessary, upon so very small a point, to make so very long a speech. If the same course were pursued in regard to every Amendment they would never get through the Bill at all. He only wished to point out to the right hon. and learned Attorney General for Ireland that if he thought the matter likely to lead to a prolonged discussion, or to occasion any serious difficulty, he (Lord Randolph Churchill) would not press the Amendment in its entirety, but would be content with part of it. When he proposed the Amendment yesterday, the hon. Member for Monaghan (Mr. Givan) said it was not necessary, because the Administrator had to pay the money into Court. But, under the clause as it stood, the Administrator had not to do anything of the kind. If the right hon. and learned Attorney General for Ireland would insert the word "shall" instead of "may," in line 21, leaving out all the rest, in order that the clause might read—

"Shall pay within the prescribed period the purchase money into Court, and the same shall be subject to such order as the Court shall make, having regard to the claims of the landlord to the purchase money,"

that would be in accordance with subsection 9 of Clause 1, which gave the same direction. This would be an order to the Court to proceed as the Court of Chancery would proceed. There would not be a limited Administrator holding the money; but the Act would require it to be paid into Court within a week or a month, as the case might be. The sum of money to be handed over might be large, and if the Government would accept this Amendment, and say that the limited Administrator should pay the money into Court, he would withdraw the previous proposal.

MR. GIBSON, in expressing a hope that the Amendment would be withdrawn, said, the proposal now made by the noble Lord was well worthy of consideration and adoption. It was ren-

Mr. P. Martin

to making his own remarks as concise as he could without interfering with hon. Members on that side. For the present he (Lord Randolph Churchill) withdrew the Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 15 (Provision in case of title paramount).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he proposed to move, in line 25, after the word "holding," to omit the words "in respect of which," and insert "the estate of;" also to leave out the words from "being" to "otherwise;" and then, in line 27, after "tenancy," to insert "from year to year, whether subject or not subject to statutory conditions." The clause would then stand thus—

"If in the case of any holding the estate of the immediate landlord for the time being is determined during the continuance of any tenancy from year to year, whether subject or not subject to statutory conditions, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy, stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord."

Amendment proposed, in page 11, line 25, after the word "holding," to insert the words "in respect of which."—(*Mr. Attorney General for Ireland*.)

Question proposed, "That those words be there inserted."

MR. GIBSON could not say that, as far as he had followed them, he objected to the words of the first Amendment of his right hon. and learned Friend; but he must really protest strongly against the way in which Amendments were placed suddenly in manuscript before the Committee. His right hon. and learned Friend would remember that very early, in fact upon the first night of the debate upon the Bill, he (Mr. Gibson) had drawn particular attention to this clause, and had pointed out its obvious and grotesque effects which rendered it unreadable and unworkable. In this case, Amendments had been put down in regard to the clause by his hon. and learned Friend the Member for Preston (Sir John Holker). The Government knew all the points raised by those Amendments, yet, nevertheless,

they waited until they came to the clause, and now proposed to re-cast it by means of manuscript Amendments across the Table. He protested strongly against such a course. Something very like it occurred yesterday. An important modification was proposed, which called upon them to consider at once the bearing of important legal changes. It was most unusual to require the Committee to decide upon Amendments of this nature without an opportunity being afforded for considering their real effect. They were now asked to consider the withdrawal of certain proposals contained in the clause, and the substitution of what practically amounted to a new clause, introduced by his right hon. and learned Friend. The proper course to take was to postpone the consideration of the clause, which would not take up much time when they came to it at the end of the Bill. He had no desire to protract or delay the progress of the Bill; but he should like to have time to consider what the effect of the words proposed to be substituted would be. He had no desire to question in a capricious spirit any of the Amendments submitted by his right hon. and learned Friend; but he certainly would like to understand what they meant.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would at once accept the suggestion of his right hon. and learned Friend and postpone the clause.

Amendment, by leave, *withdrawn*.

Clause *postponed*.

Clause 16 (Provision as to certain small tenancies).

MR. GIBSON said, that in the absence of his hon. and learned Friend the Member for Chatham (Mr. Gorst) it was necessary that he should move the Amendment which his hon. and learned Friend had placed upon the Paper. It was a very short one on a very short clause, although it dealt with a very important principle. The clause consisted of two paragraphs, each dealing with an entirely distinct and independent topic. The Amendment of the hon. and learned Member for Chatham dealt with the first paragraph, which was to the following effect:—

"A tenancy for a year certain shall, for the purposes of this Act, be deemed to be a tenancy from year to year."

[*Twenty-second Night.*]

11, line 14, to leave out the words "whom they think fit."

*Amendment agreed to.*

LORD RANDOLPH CHURCHILL moved, in page 11, line 21, to leave out the word "may," and insert "shall." The object of this Amendment was to compel the Administrator to pay the money into Court within a prescribed period. The right hon. and learned Gentleman said he did not want to force the tenant to go into Court, but the whole thing was already under the jurisdiction of the Court; and, as the right hon. and learned Gentleman pointed out, it was possible that the Administrator might have to hold the residue for some time. He (Lord Randolph Churchill) did not believe there was any precedent for such an arrangement. In all money transactions under the Court of Chancery, the money was always lodged in Court, and the Court gave a guarantee to the parties interested. The Administrator might hold the money for some time, perhaps six or 12 months, until it was ordered by the Court to be given up; but it would be much better that the Administrator should be compelled to pay the money into Court within a prescribed period. He therefore proposed to insert the word "shall," instead of "may."

*Amendment proposed, in page 11, line 21, leave out "may," and insert "shall."—(Lord Randolph Churchill.)*

*Question proposed, "That the word 'may' stand part of the Clause."*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) remarked, that if there was a general Administrator, giving security in the ordinary way to the Court, and who was competent to receive the custody of the estate of the deceased, he saw no reason why it should not be handed over. He quite admitted that there ought to be an obligation upon the man who received the money to pay it into Court or to the person entitled to it; and if the noble Lord would slightly modify the Amendment, so as to bring in the general Administrator, that would obviate his objection.

LORD RANDOLPH CHURCHILL asked if the Attorney General for Ireland would take it in this way—that the limited Administrator should pay the money to the landlord within a prescribed

period, and should pay the residue to the general Administrator within a prescribed period? He took it that that would protect both the interests of the landlord and the tenant.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Court might impound the grant of administration, so that no one else would be able to do anything with it, just as the Court of Probate at the present often impounded letters of general administration.

MR. LEAMY said, the 1st clause of the Bill gave power to sell, and he presumed that any sale would take place subject to the conditions prescribed in the 1st clause. [The ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Yes.] The condition under the 1st clause was that the purchaser should pay the sum due, not to any Administrator, but into Court. How could they compel the purchaser to pay it to an Administrator and also to pay it into Court? Who was to pay the landlord, who might get nothing at all?

COLONEL BARNE pointed out that if "shall" were not inserted the Administrator might or might not pay the money. It would be purely a permissive clause, by which, if the Administrator did not choose to pay the money, there would be no legal power to compel him to pay the landlord his share, or the other people their share. He considered that the Amendment was absolutely necessary.

MR. MITCHELL HENRY said, he thought they were wasting a great deal of time about a very small matter of this kind. He thought they might safely trust, in legal matters, to the right hon. and learned Attorney General for Ireland.

LORD RANDOLPH CHURCHILL said, he was always inclined to defer to any legal opinion that might be expressed by the right hon. and learned Attorney General for Ireland; but he declined to accept the rebuke of the hon. Member for the County of Galway (Mr. Mitchell Henry), who, because hon. Members on that side of the House thought they had discovered a legal flaw in the Bill, charged them with disrespect to the Attorney General. He had seen the hon. Member frequently take up a much longer time with a speech of his own, and it would better become him in future if he would confine his attention

*The Attorney General for Ireland*

tion an ordinary layman would place upon them. Certainly, in any other place than an Act of Parliament they would mean something very different.

MR. GIVAN said, the 69th section of the Land Act provided that any tenant, after the passing of the Act, should be entitled to compensation if the landlord resumed the holding. He presumed that the two lines which constituted the first paragraph of the clause were introduced in order to prevent the landlord from evading the Act by making an agreement to let the farm for a year certain. It would be easy to evade the Act by making the tenancy a tenancy for a year certain; and yet it was a curious fact that if a tenant executed an agreement making his tenancy less than a tenancy from year to year, he would not thereby be excluded from the benefit of the Act of 1870. As he understood the words now under consideration, their object was to prevent an evasion of the Act.

MR. GIBSON wished to point out that Section 69 of the Act of 1870, referred to by the hon. Member, only related to tenancies created after the passing of that Act.

MR. GIVAN said, he thought there might be some force in the argument of the right hon. and learned Gentleman, if it were not for the 69th section of the Act of 1870, which turned all tenancies at will, and tenancies less than tenancies from year to year, into tenancies from year to year. It was hardly possible that there could now be any tenancies existing for a year certain; and, therefore, the observations of the right hon. and learned Gentleman had no application, and were wholly unnecessary. So far as the retrospective action of the clause was concerned, it was highly improbable that there were any tenancies existing at this moment to which it could apply; but the effect would be that, in regard to all future tenancies, the landlord would insist upon making them for a year certain.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that under the Act of 1870 landlords had been able to make contracts with their tenants for a year certain, and then to keep such tenants under an indefinite series of contracts of the same nature. It had, therefore, been deemed advisable to insert the present clause, which would prevent

the continuance of this practice, adopted to defeat the Land Act. The question of what was the precise character of a tenancy for a year certain arose in a curious form a few years ago. The question raised was, whether a tenancy for a year certain was less than a tenancy from year to year? It was regarded as a very knotty point, and the Court to which it was submitted—the Court of Common Pleas—was divided in opinion upon it; but the majority held that it was not less than a tenancy from year to year. Eventually, the case went to the Court of Exchequer Chamber, and there five Judges against three again held that a tenancy for a year certain was not less than a tenancy from year to year. This decision drew attention to the operation of the Land Act, and it was found that tenancies for a year certain were thus withdrawn from the operation of the 69th clause of that Act, although tenancies for nine months or for two months, or three months, or any other definite portion of time, would fall within it. A tenancy of six or nine months was less than a tenancy from year to year, and, therefore, came under the purposes of the Act; but a tenancy for a year certain was not less than a year by tenancy, and, therefore, was not under the Act. That was a very anomalous state of things, and it was desirable to remedy it. In deference to what had been urged by his right hon. and learned Friend, he did not think it would be reasonable to extend the retrospective operation of the Bill to tenancies for a year certain, because there could be no existing tenancies for a year certain before the present year. Such tenancies would now be covered, and he thought the Committee might adopt the phraseology of the Act of 1870. He was not opposed, therefore, to the spirit of the Amendment of his right hon. and learned Friend; but he thought the object would be better effected by introducing, after "certain," in line 32, the words "created after the passing of this Act." Such an alteration would provide that tenancies for a year certain for the purposes of the Act would be tenancies from year to year, and by that means all difficulty would be obviated.

MR. GIBSON said, he would frankly confess that he preferred his own Amendment; but he would, nevertheless, withdraw it in favour of the propo-

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The Amendment of his hon. and learned Friend proposed to strike out this section altogether. He ventured to think that it would have been wiser not to have complicated the Bill with all the various considerations and difficulties that must arise by putting this clause in at all. Neither of the paragraphs dealt with a very wide class of tenants; but the principle involved in both of them was large, and might lead to substantial difficulties, especially in regard to this paragraph, which proposed to give the benefit of the statutory term and all the other equities of the Bill to a class even more narrow than tenancies from year to year—namely, to a man who went into possession for a year certain with the exact term indicated—namely, that it was only to last for a year. Was it not unreasonable, under such circumstances, to say that a man who was allowed to take possession of a farm for 12 months certain, the tenancy commencing perhaps last year, and from the very necessity of the case expiring this year—was it not unreasonable to say that in dealing with an existing tenancy for a year certain, they were to find at the middle of the year certain that, by the operation of this Bill, the year certain was turned into 15 years' certain, with the certainty of a renewal at the end of those 15 years? Was such a provision reasonable or necessary? Tenancies from year to year implied by the very term duration and continuance, and the history of this country showed that that was the principle taken. But, on the other hand, the Government now proposed, practically, to place on the same basis the tenant who might have been in the occupation of his farm for 100 years with the tenant whose tenancy implied not duration, but an absolute certainty of termination. Was that reasonable? He ventured to think, whatever they might do with regard to the poorer tenants, that they ought not, at all events, to break the contracts deliberately entered into for 12 months, which were now current, and say to the tenant that he was to be subject to *ex post facto* legislation now, which would deprive him of the status and conditions in which he entered upon the farm. He might give an instance. Suppose a man desired to go on the Continent, and he let the tenancy of his farm for a year certain, was it not unjust and unreason-

able to say to the landlord without warning, who had not before him the slightest idea that such a Bill as this was coming, that he must now accept the man he had taken for a year certain, as a tenant in perpetuity? It would be unjust to include in the Bill tenants in future for a year certain; but there could scarcely be two opinions as to the unfairness of thus dealing with the existing tenants for a year certain. It came to this—that such tenants whose terms were, according to arrangement and stipulation, to expire within a given time, would be able, when the time came, to apply to the Court for a statutory term. He ventured to hope that when his right hon. and learned Friend considered the matter he would see his way towards dealing with the question in a more reasonable manner.

Amendment proposed, in page 11, line 32, leave out from "A" to "to year" in line 33, both [inclusive.—(Mr. Gibson.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. BIGGAR said, the remarks of the right hon. and learned Gentleman the Member for the University of Dublin showed the desirability of leaving the clause as it stood. The word "certain" was a purely technical term. If he took a farm for one year certain he should imagine it meant that the tenancy would not be less than a year, and that it would be impossible to put an end to it in the course of six months. The right hon. and learned Gentleman had scarcely stated the case fairly when he said that the tenant who took a farm now would be converted into a present tenant, and would have the same privileges as another tenant who had been in the occupation of his farm for 50 years. [Mr. GIBSON: He would become a present tenant.] He (Mr. Biggar) did not see how that could be so after the passing of the Act; and he thought that the interpretation put upon the clause by the right hon. and learned Gentleman was altogether fallacious. It proved very clearly the difficulty of understanding the legal phraseology of an Act of Parliament when it was declared by a very high authority that the words of a clause meant something very different from the construc-

Mr. Gibson

able to contract themselves out of the Bill. As regarded the right of compensation for disturbance, it was regulated by the Act of 1870, which fixed the limit of contract at £50; but as he understood the position of future tenants under this Bill—although he would admit that he found a good many of his hon. Friends near him did not agree with him—if the landlords desired to evict them they would have no protection or security except under the compensation for disturbance clauses. He took it that the landlord, the day after the passing of the Bill, might give a future £100 tenant notice to quit, and such future tenant would be obliged to leave the farm, subject only to a claim to compensation for disturbance. It was quite true that if the landlord, instead of desiring to get rid of him, retained him, he would have protection under the Bill; but, without increasing his rent, it would be in the power of the landlord to turn him out the moment the Act passed. With regard to future tenants, he wished the greatest freedom of contract to prevail; but he wanted to know what would be the position of such tenants, or what security they would have if they contracted themselves out of the compensation for disturbance clauses? Therefore it seemed to him, as regarded future tenants, this clause would really afford no protection to them. He would like to see some arrangement under which there would be but one limit. As the Bill stood, and as he understood the matter, future tenants, if their landlord evicted them, would be entitled to compensation for improvements, and also to compensation for disturbance. He wished to draw the broadest distinction possible between present and future tenants, and he desired to see the position of the present tenant modified, so that, after being converted into copyholders, they might some day become proprietors. There was no reason why the English system should not be applied in the case of future tenancies, where the landlord had bought up the tenant right. He begged to move the Amendment standing in his name.

Amendment proposed, in page 11, line 41, leave out the words "one hundred and."—(*Sir George Campbell.*)

Question proposed, "That the words 'one hundred and' stand part of the Clause."

MR. SYNAN said, he was opposed, not only to the Amendment, but to the limit of £150 set down in the clause itself. As far as present tenants were concerned, he thought the provision perfectly nugatory, because, if the present tenant had power to go to the Court to revise his title, he was not bound to contract himself out of this Act. The limit, therefore, as far as the £150 was concerned, would only apply to future tenants. But this would result in great inconsistency. With respect to the present Bill, it required a £150 limit to contract, so far as the future tenant was concerned, out of the beneficial operation and provisions of the Bill. Of course, as far as the Bill was concerned, the future tenant could only apply the power of sale. But, taking the case of a tenant under the provision for compensation for disturbance in the Act of 1870, it would be found that a tenant at £50 could be contracted out of the benefit of compensation for disturbance, even upon the enlarged scale in this Bill. Whatever, therefore, the compensation for disturbance might be under this Bill, a £50 tenant could be compelled to contract himself out of the benefit of that compensation. He could understand the Government proposing to apply the £150 limit to the Act of 1870, as well as to this Bill, so that no tenant would be obliged to contract himself out of compensation for disturbance upon the enlarged scale in this Bill who was not rated at £150; and unless the limit of £150 was applied both to this Bill and the Act of 1870 a great injustice would be done to the tenants of Ireland, who might seek for compensation for disturbance.

MR. HEALY said, it would be a great inconsistency to place the limit of £150 in this Act, while the limit of £50 was left in the Act of 1870. He hoped that the Government would see their way to extend the limit contained in the Act of 1870.

MR. GLADSTONE said, the Government looked upon the limit of £150 as being the fairest limit. The limit of £50 in the Act of 1870 they regarded as materially too low, considerable pressure having been brought to bear upon small tenants to cause them to contract themselves out of that Act. He was bound to confess, having regard to the working of the limit of the Act of 1870,

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that the Government had been guilty of a mistake in the preparation of the words of the clause.

MR. PLUNKET submitted that some ground should be stated for departing from the limit of £50 contained in the Act of 1870. As far as he could see there was no reason for extending that limit. He would like to know whether there was any evidence upon the subject in the Report of the Royal Commission.

MR. GLADSTONE said, the Report of the Bessborough Commission did not enter into details in connection with this subject.

MR. W. H. SMITH understood the Prime Minister to say that it was proposed to rescind the provision of the 12th clause of the Act of 1870, which enabled a tenant at £50 to contract himself out of that Act. He must say that the proposed change, together with the provisions introduced into this Bill in favour of the tenant, would make freedom of contract almost impossible. Unless freedom of contract was to be regarded as something that ought to be discouraged in every possible way; unless a man's independence was a thing that ought to be taken away from him, it did seem that the old limitation was one which it was desirable to maintain. It appeared to him that the extension of the limit contained in the Act of 1870 was entirely unnecessary if there was ever to be freedom of contract in Ireland.

MR. SHAW regarded the limit of £150, contained in the clause, as of great use. There was no doubt that the greatest pressure had been brought to bear upon tenants to get them to contract themselves out of the Act of 1870. It would be a decided advantage to take away from the landlord everything like an inducement to get tenants to contract themselves out of this Act.

COLONEL BARNE understood the Prime Minister to quote the Bessborough Commission as an authority for the £150 limit. He should have thought that it was hardly worth the while of the right hon. Gentleman to quote this Report, after the way in which it had been handled by one of his late Colleagues.

MR. GLADSTONE said, he had been rather too cautious in his reference to the Bessborough Commission, which recommended nothing of this kind. The

*Mr. Gladstone*

Commissioners recommended that certain descriptions of holdings should be excluded from the operation of the Act; but they did not recommend the introduction of any provision whatever for enabling parties to contract themselves out of the Act.

LORD EDMOND FITZMAURICE regretted that the Government had not taken a middle course between the Act of 1870 and the present proposal—that was to say, to admit a limit of £100. He did not, however, attach much importance to these contract clauses one way or the other. He believed that the Irish tenants were acute enough to calculate what advantages they could get under the Bill. They would see they were placed in a strong position, and would naturally ask themselves why they should contract themselves out of the Bill at all. The landlord had hardly anything left that he could offer to the tenant as a valuable consideration to induce him to contract himself out of the Bill. Assuming, as he did, that it was desirable that free contract tenures should exist, the only way in which these could be created was by leaving the larger tenants out of the Bill. He did not, however, wish to re-open that question, which had been discussed at length on the Amendment of the hon. Member for Great Grimsby (Mr. Heneage); but he wished to point out that, unless he had misread the paragraph in the Report of the Bessborough Commission, the Prime Minister was possibly mistaken. He thought the plain English of the paragraph, although he admitted it was not quite clear, was that grazing farms, and also farms which were above £50 rental, whether grazing farms or not, should be left to free contract.

Question put.

The Committee *divided*:—Ayes 202; Noes 99: Majority 103.—(Div. List, No. 293.)

Amendment proposed,

In page 12, line 2, after "Act," insert "or of the Landlord and Tenant (Ireland) Act 1870."—(Mr. Attorney General for Ireland.)

Amendment agreed to.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) reminded the Committee that the hon. Member for Stroud (Mr. Brand) had withdrawn an Amendment relating to cases in which

tenancies under the Ulster Custom had been bought up by the landlord prior to the passing of this Act. The hon. Member having pointed out that it would be very hard upon the landlord, having such holdings in his hand, that they should be subject, when let, to the 1st section of the Bill, had withdrawn his Amendment on the understanding that a clause should be brought up to enable the parties to contract themselves out of that section. He therefore begged to move the Amendment now standing on the Paper in his name.

#### Amendment proposed,

In page 12, line 2, after "Act," leave out "but," and insert—"Where the tenancy in a holding subject to the Ulster tenant right custom or to any corresponding usage, has been purchased by the landlord from the tenant by voluntary purchase before the passing of this Act, then, if at the date of the passing of this Act the owner of any such holding is in actual occupation thereof, it shall be lawful, in the case of the first tenancy created in the holding after the passing of this Act, for the parties to the contract creating the same, by writing under their hands, to provide that such tenancy shall be exempt from the provisions of section one of this Act."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

LORD RANDOLPH CHURCHILL said, he accepted the Amendment as far as it went; but he was bound to say that it interfered with the Government definition of a tenancy. Because how could a landlord be prevented buying up the tenant right in a present tenancy, entering into occupation, and re-letting the farm subject to no tenant right? The Government contention had been that the tenant had the right of assignment in law fortified by the Act of 1870; that this right adhered to the tenancy and could not be got rid of. He (Lord Randolph Churchill) had never entirely admitted that; but if the proposed clause were added, that definition with regard to tenant right would be destroyed. He did not see how they could draw a distinction between the case where the landlord, before the passing of the Act, bought up the tenant right, occupied the holding, and re-let it, and therefore cleared the land of the tenant right, and the case where the landlord who, after the passing of this Act, bought up the tenant right, entered into occupation, and re-let the holding.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that one object of the provision was to liberate land for the purpose of being let, which otherwise might remain in the hands of the owner.

Mr. BIGGAR considered the Amendment mischievous in character, because, although the number of cases to which it would apply was small, it really had the effect of putting a certain number of persons outside the provisions of the Bill. He was quite unable to see why a tenant who took land from a landlord in occupation of it at the time of the passing this Bill should not, at the end of 5, 10, or 20 years, get compensation for disturbance. No doubt, the number of cases to which the Amendment would apply was extremely small; but he could not regard it as in logical sequence with other parts of the Bill.

Mr. CHARLES RUSSELL pointed out that the Amendment only applied to cases where the tenant contracted with the landlord that the tenancy should be excluded from the operation of the 1st section of the Act. It left the right to compensation for disturbance untouched.

Mr. BIGGAR said, that made very little difference, because the right of compensation only arose when the tenant was turned out. The point was that the tenant could not sell. He did not assume that his interest would be very great; but there was no reason why he should be placed in a different position to other tenants, because the landlord happened to have bought up the tenant right. The sale might have been more or less compulsory, or not *bond fide* at all.

LORD RANDOLPH CHURCHILL asked whether a tenant, in the circumstances defined in the Amendment, would have anything to sell when he went out?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Amendment was intended to meet the case where a landlord had bought the tenant right, and would not let the holding except on certain conditions. A tenant could not be prevented taking the farm on these conditions, and if he chose to contract that he was not to sell, of course he could not do so. He would, however, have the right to compensation for disturbance.

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Mr. MITCHELL HENRY asked whether the Government would also except holdings reclaimed and occupied by the owner himself, which had never, in consequence, been subject to the Ulster tenant right?

Mr. A. J. BALFOUR asked if the tenant might sell that security in his occupation which was given by the Act of 1870?

Mr. H. R. BRAND said, the hon. Member opposite was right in saying that the Amendment of the Attorney General for Ireland did not entirely meet the case which, on a former occasion, he had submitted to the Committee; but he had not understood at the time that the right hon. and learned Gentleman committed himself to the extent of assenting to all that he had asked. When he moved the Amendment in question, he (Mr. Brand) pointed out to the Committee that there were three cases in which it was desirable to limit the right of free sale. First, where land was unlet at the time of the passing of this Act; secondly, where the landlord had bought up the tenant right previously to the passing of this Act and had it in his occupation at the time of the passing of this Act; and, thirdly, where the landlord had exercised his right of pre-emption and bought up the tenant right. He understood the Amendment to meet the case where the landlord had bought up the tenant right previous to the passing of the Act; and he believed, also, that the Attorney General was about to deal with the demesne lands in another clause. It therefore appeared that the only case which remained open was that mentioned by the noble Lord the Member for Woodstock (Lord Randolph Churchill).

LORD RANDOLPH CHURCHILL said, the Government adopted such Protean forms of definition that one did not know where to catch them. A few days ago they were speaking of the interest in a tenancy as the value of the holding; and when he ventured to submit that these were two separate things, he was told that no distinction was to be drawn between the Common Law right and the tenant right of Ulster. In the case to which he now drew the attention of the right hon. and learned Gentleman the Attorney General for Ireland, he understood that the land would be clear of any tenant right at all. But it appeared that

the tenant in that case still possessed a valuable interest—that was to say, the interest recognized in the 1st clause of the Bill destroyed under its old name of tenant right, but revived under the new name of “reasonable expectation of continuance.”

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the proposal was to enable the tenant to contract himself out of the 1st section of the Act; but, so far as his Common Law right was concerned, it was not touched by the Bill.

Mr. WARTON said, he thought the words “in actual occupation,” a little too strong. The landlord might possibly have some person occupying the holding for him, but not as a tenant; and, therefore, he suggested that some words should be added to the Amendment of the Attorney General for Ireland to provide for such cases.

Amendment proposed to the said proposed Amendment,

To leave out the word “actual” in line 4 and insert after “thereof” in line 5, “either by himself or any other person on his behalf.”—*(Mr. Warton.)*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the words suggested by the hon. and learned Member for Bridport were quite unnecessary, inasmuch as any person in occupation on behalf of the landlord would be in the position of servant.

Amendment to the said proposed Amendment *negatived*.

Amendment (*Mr. Attorney General for Ireland*) *agreed to*.

LORD JOHN MANNERS said, in the absence of the right hon. Member for North Hants (Mr. Selater-Booth), he begged to move the Amendment standing next on the Paper in the name of that right hon. Member. The object of the Amendment was to prevent the clause applying in such a way as to violate existing leases which might be proved to be contrary to the provisions of this Bill.

Amendment proposed, in page 12, line 3, after “any,” insert “future.”—*(Lord John Manners.)*

Question proposed, “That the word ‘future’ be there inserted.”

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) drew the attention of the noble Lord opposite to an Amendment on the Paper, which would provide for the case of existing leases perhaps a little more distinctly than the Amendment just moved by him.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 12, line 4, after "contract," insert "made after the passing of this Act."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

Amendment proposed,

In page 12, line 5, after "Act," insert "or with any of the provisions of the Landlord and Tenant (Ireland) Act, 1870."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. GIBSON said, he had understood the last Amendment of the right hon. and learned Gentleman, inasmuch as it was upon the Paper; but as it appeared he was now moving an Amendment from manuscript, he reserved to himself full liberty of considering the matter on Report. The statement that he wished to assimilate the restriction in the Act of 1870 to the restriction in this Bill was made for the first time by the right hon. and learned Gentleman that evening.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

#### *Limited Owner.*

Clause 18 (Powers of limited owners).

MR. LITTON said, the object of the Amendment he was about to move was to provide a larger definition of the term "limited owner" than was given in the 26th clause of the Act of 1870. According to that Act, the term "limited owner" meant any person entitled under any existing or future settlement at law or in equity, for his own benefit and for the term of his own life, to the possession or receipt of the rents and profits of land, and so on. His object was to include persons who held estates for the benefit and for the life of others.

Amendment proposed, in page 12, line 8, after "1870," insert "and this Act."—(*Mr. Litton.*)

Amendment *agreed to*.

Amendment proposed, in page 12, line 9, leave out "foregoing."—(*Mr. Litton.*)

Question proposed, "That the word 'foregoing' stand part of the Clause."

MR. A. M. SULLIVAN said, he had been requested to ask the Government to enable trustees for collegiate institutions and other corporate bodies in Ireland to sell to the tenant in occupation under this Act as trustees.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he hoped the Amendment would be withdrawn. The word "foregoing" was applicable only to the clauses which had been passed; it had no application to the remaining clauses of the Bill.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 12, line 11, after "Corporate," leave out "Commissioners," and insert "Public Commissioners, trustees for Charity Commissioners, or trustees for collegiate or other public purposes."—(*Mr. Litton.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he believed the clause as it stood had been framed to meet some special cases. Perhaps the hon. and learned Gentleman would withdraw the Amendment, and if there was no objection to the insertion of the words they could be added on Report.

Amendment, by leave, *withdrawn*.

MR. GIBSON said, he was about to move a technical Amendment to insure that the interest of those who claimed after the life of a limited owner should be protected.

Amendment proposed, in page 12, line 12, after "not," insert "grant a judicial lease or."—(*Mr. Gibson.*)

Amendment *agreed to*.

MR. VILLIERS STUART said, the object of the Amendment he was about to propose was the removal of all unnecessary obstacles in the way of creating fixed tenancies. The clause relating to fixed tenancies had been unanimously approved at meetings of tenant farmers in Ireland; but it appeared to him that the usefulness of the clause would be seriously curtailed by requiring the limited owner to obtain the sanction of the Court

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for the creation of a fixed tenancy. No doubt, the object of the provision was to protect the interest of the remainder men; but, in his opinion, that would be equally well protected by the simple giving of notice and the payment of the money into Court.

Amendment proposed, in page 12, line 13, leave out "the sanction of," and insert "notice to."—(*Mr. Villiers Stuart.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) pointed out that for the purpose of the clause the giving of a notice would not be of the smallest value.

Amendment *negatived*.

Amendment proposed,

In page 12, line 17, at the end of the clause, add "Provided always, That the court may make any order by the said Act authorised to be made by any other court thereby empowered, with respect to the laying-out, investment, accumulation, and payment, in accordance with the provisions of the said Act, of any such fines or principal moneys paid into the bank in manner by the said Acts prescribed, and for such purpose shall have and may exercise all and the like power, authority, and jurisdiction as such other court as aforesaid."—(*Mr. Gibson.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) pointed out that the 40th section of the Act gave power to the Land Commission to refer any matter to the Land Judges of the Chancery Division of the High Court.

Mr. GIBSON said, as the matter was connected with the administration of the Act he would not press the Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

#### PART V.

#### ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND, AND EMIGRATION.

##### *Acquisition of Land by Tenants.*

Clause 19 (Advances to tenants by commission for purchase of holdings).

THE CHAIRMAN said, the Amendment in the name of the hon. and gallant Member for Galway (Major Nolan) was beyond the purpose of the clause, and

*Mr. Villiers Stuart*

could not be considered at that place. It was a proposition of a distinct kind, and should be brought up as a separate clause.

MAJOR NOLAN said, he did not wish the important question relating to the purchase of land for the benefit of labourers to be put off, and if it were possible he would prefer to move the Amendment at that place.

THE CHAIRMAN said, he had consulted the authorities of the House, who were of opinion that the Amendment of the hon. and gallant Member was clearly inconsistent with the clause, and could not be put.

Mr. LITTON moved, in page 13, line 30, leave out from "purchase" to "three-fourths" in line 31, and insert—

"The whole of said principal sum, or in case the Land Commission shall be satisfied that the tenant is unable to give sufficient security for the whole of the said principal sum, then to advance to the tenant any sum not less than four-fifths."

If the Government would yield to the unanimous feeling that seemed to be entertained in favour of an advance of four-fifths, he would ask leave not to move the earlier part of the Amendment, and would simply move that the words "four-fifths" be substituted for the words "three-fourths" in lines 30 and 31. He begged to move that those words be inserted.

Mr. BIGGAR said, he did not know that the hon. and learned Gentleman was quite justified in leaving out the first part of the Amendment and moving only the second, because it would be seen that there were on the Paper Amendments by several hon. Members, among others one by the hon. Member for Carrickfergus (Mr. Greer), who represented a population partly urban and partly rural; and one by the noble Lord the Member for County Down (Lord Arthur Hill), who had a very large rural constituency; while there were several Conservative Members from the North of Ireland who had given Notice of Amendments; and if the Amendment of the hon. and learned Member for Tyrone (Mr. Litton) were altered as suggested by him it would stand in the way of the rest. He thought the hon. and learned Gentleman would do better to put the Amendment as it originally stood, and thus give to other hon. Members the opportunity of dealing with the subject.

MR. LITTON said, he thought there was some force in what was said by the hon. Member for Cavan (Mr. Biggar), and therefore he asked leave to withdraw the Amendment he had just moved so that he might move it in its original form.

THE CHAIRMAN said, he would point out that no damage would be done by leaving it as it stood, because if the Committee decided on leaving out three-fourths, and any other Amendments were made, the words could be inserted before the Committee affirmed the words "three-fourths."

MR. BIGGAR said, he thought the original Amendment, of which Notice was given by the hon. Member for Monaghan (Mr. Givan), was one that took in most of the other Amendments.

MR. LITTON: I will ask leave of the Committee to withdraw the Amendment as just submitted, and to move the Amendment as it originally stood in the name of the hon. Member (Mr. Givan).

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 12, line 30, to leave out from the word "purchase," to the word "three-fourths," in line 31, in order to insert the words "the whole of said principal sum, or in case the Land Commission shall be satisfied that the tenant is unable to give sufficient security for the whole of the said principal sum, then to advance to the tenant any sum not less than four-fifths,"—

(Mr. Litton,)  
—instead thereof.

Question proposed, "That the words 'any sum not exceeding three-fourths' stand part of the Clause."

MR. GLADSTONE: Sir, upon this question I think it my duty to use great plainness of speech. When I look down the page of Amendments, near the head of which appears the one which has just been moved, the consensus and spirit of harmony which appear to prevail on this particular branch of the subject among Irish Members seems to me very touching, and really goes to my heart; but I may here say that Irish Members have not, upon this particular clause, that especial authority and weight which I feel to belong to them with regard to many provisions of the Bill; for the persons who are ultimately concerned—in whatever way we may proceed in regard to the provision of the funds for these purposes—the persons

who must either immediately find the money, if it is to be used directly, or who must undertake the responsibility of finding the money, must necessarily be the taxpayers of the Three Kingdoms. We have a duty to discharge to them which I, above all, in respect both to this Bill and to the Office which I have the honour to hold, am bound to bear carefully in mind. Therefore, I must say that I am not prepared to accede to either of these Amendments. Her Majesty's Government have considered very carefully and very largely this subject, and they feel that they are undertaking a very great responsibility—although they have undertaken it freely, willingly, and deliberately—but still a very serious responsibility, in recommending the House to give its sanction to the very large and liberal advances proposed by the Bill. Now, Sir, I would say to my hon. and learned Friend behind me, and to other Irish Members in this House, let them consider what it is that we propose to do—let them consider what it is to advance three-fourths of the sum necessary for the purchase of land. I need not say that this is a thing totally unknown in all private transactions. No vendor of an estate will ever, under any circumstances, consent to sell to a person who leaves three-fourths of the price chargeable on the estate. It is always a great deal less than that, and if he leaves half of it charged on the estate it is a very heavy burden upon the transaction, and it is also a burden not very commonly allowed to remain. But I beg them also to consider—and this is really, in my opinion, quite the true view of the whole matter—that in this case the State is not going to deal with one party only, but with two. It has to deal with the tenant, and it has also to deal with the landlord, and these two persons, it is concluded, will be equally interested in driving on the transaction. Well, I ask what will be the position of the landlord if he is inspired with only one-hundredth part of the alarm that has entered into the minds of hon. Gentlemen opposite with regard to the effect of this Bill—and I seriously believe that that alarm has been undergoing a gradual and considerable diminution during the progress of this Bill—but supposing he is inspired with any real alarm or anxiety, and is anxious to sell his estate, what will be his position?

His position will be this—he will be enabled at once to propose to his tenants that they should become purchasers, and he will be able to offer to them an irresistible attraction at very small risk and cost to himself. And it is essential, in order to appreciate this proposal, to remember that in these transactions there will be, not two principal parties, but three, the State being one principal party, as supplying in some shape or another the bulk of the money, while the other two, the landlord and the tenant, are also principals. The landlord who wishes to dispose of his estate will have only one sacrifice to make. He will have three-fourths of the purchase money assured to him at once from the public funds; and what is he called upon to do? He is only called upon to say to the tenants, I will leave the remaining fourth on mortgage on the property, posterior, of course, to the mortgage to the State. And what does his security consist of? It consists of this—first of all, in the belief that the acquirement of proprietorship will stimulate the industry of the tenants; next, in the fact that the amount he is allowing to remain as a mortgage on the property is a very limited amount—an amount that many a vendor of an estate is willing to allow to remain as a charge on it; because I suppose I shall be right in saying that while it is a very common thing to allow half to remain in the purchase of landed property, it is also a very common thing to allow one-fourth to remain as a charge on the estate. But the security of the landlord is not merely in the one-fourth of his own interest in the holding; it also consists in the value of the tenant right of the land which furnishes a part of the security upon it; and there is, again, this great feature in the transaction, that the landlord has the guarantee that it will be the duty or the necessity of the State to see that the tenant fulfils his part of the bargain by reducing from year to year, from the very inception of the transaction, that portion of the incumbrance which is due to the State; so that while the original advance made by the landlord is the small advance of 25 per cent to the tenant, he makes that advance on the undeniable security of the one-fourth part of his own interest, and of the whole of the tenant's interest in the holding, and does this with the full knowledge that the tenant

*Mr. Gladstone*

will have every year to improve his position by lightening that portion of the incumbrance which is due to the State. Now, I want to ask whether, under these circumstances, Her Majesty's Government have not done everything they can reasonably be expected to do in a spirit of the utmost liberality for the facilitation of these transactions, if there is to be any regard to public prudence in finance? I know that there are hon. Gentlemen who think that under the provisions of this Bill the position of the tenant will be such that he will probably be satisfied with the modified proprietary interest which he will have in the land, and that the desire to acquire the absolute fee-simple which now prevails among Irish tenants will gradually die away. I cannot tell how that may be; it may be so, and it may not; but, at any rate, it is not our intention to force the tenants in that direction. We have given them, we think, very great facilities indeed; and what I wish to impress on the minds of the Irish Members is that the facility is not only as great as it appears to be on the face of the Act, but that it is really very much greater than it at first sight appears to be on account of this essential fact, the interest of the landlord, who, by the very nature of the case, is supposed to be interested in promoting the transaction by the smallness of the risk and the greatness of the inducement which he, as landlord, has to supply the only thing wanted, on allowing either the entire 25 per cent, or such portion as may be necessary, to remain as an incumbrance on the holding. Under these circumstances, I feel myself bound to speak plainly and decisively. As we have determined to ask Parliament to undertake these liabilities, and as we laid down in the original announcement of this plan a very important proposition relating to it, we cannot accede to any deviation from that plan in the sense of acceding to the propositions for enlarging these percentages. The announcement to which I referred just now was this—that we did not intend to ask Parliament to impose any absolute limit at the present time as to the extent of those transactions that may take place under this Bill. We wish, rather, to let them be tested by their merits, as they will be tested in the actual operations of the law. We know that Parliament cannot part with its power and responsibilities;

but we do not wish to fetter its freedom of action or its responsibility by asking Parliament to say—"We will allow purchasing to be done to the extent of this or of that number of millions; we would rather allow the operation of the powers under the Bill to expand in accordance with what may be the real needs and necessities of the case." Under these circumstances, I cannot but express a sanguine hope that my hon. Friend and the Members for Ireland generally will feel that Her Majesty's Government cannot divest themselves of their duties to the taxpayers of the three countries. It so happens that this question has been brought on at a moment when the opposite Benches are not very largely attended; but that circumstance is, I believe, an accident. But I am quite certain that those who usually occupy the Benches opposite—and especially those who occupy the Front Bench—will feel that they, too, have considerable responsibility resting upon them in this matter, and will not allow us—I will frankly use the expression—even if we were so disposed, to tamper rashly or wildly with the interests of the taxpayers or the Exchequer. This is not merely a question of the interests of the taxpayers, for anything like a loose disposition to bring the State into a position of proprietorship without effectual provisions for rapidly relieving it of its responsibilities would, I am sure, be strongly resisted from many quarters of this House. On the night when it was my duty to state to the House the leading provisions of this Bill, the first suggestion that occurred to the very acute mind of the right hon. Gentleman the Leader of the Opposition—than whom there is, undoubtedly, no person in this House or out of it who more thoroughly comprehends the finances of this country—the very first suggestion that occurred to him was one of scruple and difficulty as to our being allowed to involve the Exchequer of this country in liabilities that would be impolitic and excessive. I have made these comments at this point very much for the sake of my hon. and learned Friend (Mr. Litton). I have thought it best to state my views at once, and I am sure he will not interpret my frankness as implying any disrespect; but I deemed it best that at first we should enable him clearly and distinctly to understand the conclusions we have

come to in respect to our duty in this matter. We have felt it our duty to hold, as evenly as we can, the balance of equity and justice in the whole of our dealings with this Bill, not only as between the several classes it will affect in Ireland, but likewise as between the several portions of the United Kingdom, and the great mass of the people. I am convinced that were we to deviate from this principle, although there may be no great indications on the face of this Paper of reluctance to enter into this pecuniary responsibility at the present moment, if we were to show a spirit of recklessness in regard to our duty as guardians of the Public Treasury, opposition would spring up in many quarters of this House, including quarters in which the best disposition towards Ireland prevails, and we should, perhaps, involve the progress of this measure, which is just now more hopeful than it has ever been, in doubt and difficulty, and possibly even in danger.

MR. CHARLES RUSSELL would at once say that he could not support the Amendment, which contemplated a state of things by which the whole of the purchase money might be advanced to the tenant. Everyone who had heard the statement of the Prime Minister could not but be impressed by it; but what he (Mr. C. Russell) wished to say to the Committee was in the direction of showing—though he was afraid, after what had fallen from the Prime Minister, he could hardly hope for a satisfactory result—that it would be in the interest of the State itself that if possible the limit of advance should be enlarged to four-fifths. He desired to state the grounds on which he rested this argument. He was one of those who regarded this part of the Bill as embodying to the greatest extent the principle of finality, and it was this portion that he wished to see made as wide and efficient in its provisions as the Government could allow it to be made. He would state one or two facts in support of his position. He might refer to the experience obtained in reference to the purchase of the surplus land of the Irish Church, and he would point out to the Committee that he had taken means to inform himself as to how the matter stood. Those Church lands had been sold under what he might call circumstances of considerable disadvantage to the tenants, because the



primary object of the Church Commission was to obtain the largest price that could be got for the land, and the giving effect to the "Bright Clauses" of the Act of 1870 was merely a subsidiary object. More than this, he knew a good deal of the land that had been brought under that system, and, as a rule, it was poor land. Notwithstanding the high price paid by the tenants, and the fact that the land they purchased was not in the main of the best kind, and that they had just passed through three successive bad years, out of the annual instalment of £110,000 payable to the Church Commissioners, he believed only about £4,000 remained in arrear. He had been informed, on what he believed to be good authority, that the borrowing, in these cases, by the tenants of the remaining fourth of the purchase money, and its repayment, had been a source of greater difficulty and expense to the tenants than the repayment of the annual instalments of the rest of the money; because the repayments due to the Commissioners bore a comparatively small interest, while the rate they had to pay for the fourth they had borrowed elsewhere was such as to be a hindrance and burden upon them which they found highly injurious. He was informed, though this was a point that he did not wish the Committee to understand he had personally inquired closely into, that in some cases the amount of interest payable on this one-fourth was as much as 20, 30, 40, and even 50 per cent. Surely this was a state of things to be avoided if possible. He recognized most fully, as the Prime Minister had pointed out, that there would be great objection to putting the State in the position of a rent-gatherer, or a tax-gathering landlord, or whatever term they might choose to apply; but the State was already, by the provisions which had been passed, necessarily in that position, and the question was how that position could best be fulfilled without loss to the State. The advances made by the State were becoming year by year gradually less, while at the same time the security held by the State was becoming year by year gradually greater. If the Committee once realized the real condition of affairs, it would be seen that the class of people in Ireland who, if he might use the phrase, aspired to be their own landlords, would, when once they had agreed to purchase their

holdings and made but one instalment good, go to work with a sense of security, with a vigour, and with promptings and aspirations such as they had never known before, and would struggle to the very death before they would do anything that would imperil the loss of that which it had been the greatest aim and object of their lives to acquire. He was exceedingly unwilling to discuss this point any longer than was necessary to bring fairly and fully before Her Majesty's Government the views of those who regarded it in the same light as himself; but he did most strongly feel the force of what he had just stated, and unless the Prime Minister had made up his mind resolutely and determinedly on the matter, he would respectfully ask the right hon. Gentleman whether it would not be possible, though he did not urge them to accept the Amendment and advance the whole, to accept the modified proposal that the Commission should be empowered to advance four-fifths? It was proposed to intrust to the Commissioners very large powers, and he thought it was not too much to permit them at their discretion to advance money to the extent of four-fifths of the purchase.

Mr. DAWSON said, from his knowledge of Ireland, North and South, he could inform the Committee that the hearts of the people were more set upon the Proprietary Clauses than upon any efforts, however well intended, to bolster up an untenable position in which they would find themselves in an uncommercial arrangement as between landlord and tenant. He hoped the Government would strain every effort and extend the well-intentioned proposals that appeared on the face of the Bill more prominently in the clauses they were now discussing than in any other part of the measure. These, he held, were really the clauses that would lead to finality, if finality was to be achieved. He considered that the arguments used by the right hon. Gentleman the Prime Minister went exactly to prove the case for the Amendment, although they were not brought forward with that view. The right hon. Gentleman had laid great stress on the security the tenants would have to offer; but every security the tenant had to offer to the landlord would also be available for the Government, and as

*Mr. Charles Russell*

much a source of security for the Government advance as it was to the landlord, or to those persons from whom the tenant might borrow in the money market in the ordinary way. By refusing to extend the advance the Government might be forcing the tenants into the hands of those who, as had been stated by the hon. and learned Gentleman who had just sat down (Mr. C. Russell), had been charging interest at the rate of 20, 30, 40, and even 50 per cent. Was not this a strong reason why the Government should concede this point, and even a stronger reason why they should concede the other fourth? The right hon. Gentleman had said the provisions of the Bill, as it stood, were so good for the landlord that he would jump at the offer of three-fourths of the purchase money down; but he (Mr. Dawson) contended that the landlord would even more readily jump at the offer of four-fourths. The whole of the purchase money could be easily advanced by the State, and the landlord would be far more ready to sell his estate if he had all the money at once than if he only got three-fourths. The hon. and learned Gentleman the Member for Dundalk (Mr. C. Russell) had said he should not like to see the Government a rent-gathering Government; but his (Mr. Dawson's) idea was that this would be the very way to settle the question, and that instead of throwing in the face of the Irish people the magnanimous British taxpayer, there need be no money taken from the British taxpayer at all if the Government would only do as the German Government did, pay the landlord in land bonds, redeemable in 50 years or 40 years, at 5 per cent, the purchaser paying back the purchase money in the meantime, and the landlords getting 4 per cent, while the other 1 per cent would form a sinking fund to wipe out the debt. This 5 per cent was not more than the tenantry would be willing to pay, and pay cheerfully, and they could very well earn it, under the circumstances, through the industry and thrift that a sense of the rights of proprietorship would inspire in them. If this were done, the landlords would be induced to sell, as he would then be receiving not three-fourths, but four-fourths, while the passage of the Bill would be facilitated in regard to the only portions that had any real solidity.

He had no faith in the appeals to the Courts and the statutory conditions and complicated machinery which only made confusion worse confounded; but he had great faith in the Proprietary Clauses, and did not think it was at all beyond the feeling and scope of the right hon. Gentleman the Prime Minister to deal with the matter as he (Mr. Dawson) had pointed out was done in Germany. If this were done, the question would be settled without calling on the taxpayers. If it could not be done, it would be useless to obstruct a great measure like this; but he hoped the Government would see their way to advancing the other fourth.

SIR GEORGE CAMPBELL said, he had observed that some difficulty was likely to be created by the Amendments from all parts of the House, and he thought they ought to be exceedingly grateful to the right hon. Gentleman the Prime Minister for the firm manner in which he had put his foot down. If the right hon. Gentleman were capable of being charmed by any Irish Member it would be the hon. and learned Member for Dundalk (Mr. C. Russell); but he (Sir George Campbell) was afraid that on this subject the hon. and learned Gentleman must consider that his efforts in that direction had been thrown away. They had been told that heretofore, when the Irish Church land had been purchased, and three-fourths of the money advanced by the Commissioners, the remaining fourth had frequently been borrowed at a ruinous rate of interest by the Irish tenant; but the deduction he drew from this fact was different from that drawn by his hon. and learned Friend the Member for Dundalk (Mr. C. Russell). In his opinion, if the Irish tenant could not pay one-fourth of the purchase money, and was obliged to borrow it from a usurer, he had better not attempt to purchase at all. In the case of the prudent and thrifty man, who had saved up enough money to pay for one-fourth, the advance of the remaining three-fourths by the Government was a very liberal proceeding; and where the tenant had not been prudent and thrifty, and had saved nothing, the worst thing the Government could do would be to advance him three-fourths of the money with the knowledge that the remainder would be obtained from the usurer. They had heard a good deal about some of the purchases made under the Act of

1870 being attended with success; but he had been a good deal struck by reading the Report of the Assistant Commissioners under the Richmond Commission, who said with regard to this question of purchase under the Irish Church Act, that in the county of Armagh, one of the best counties in Ireland, in almost all cases where the tenants had not the money to meet the payment of the fourth, but had to borrow it, the operation of the Act had been unsuccessful. He hoped that this would not be general under this Bill; but he confessed he was not very sanguine on the subject, although some hon. Members seemed to be. In his opinion, what was required was that the thing should be done gradually. They ought not to have Irish tenants rushing into the arms of the Land Commission and getting three-fourths from them and the fourth part of the money from usurers. He was heartily glad that the first part of the Bill had been passed in the interest of the Irish tenants; but what he hoped to see was, that having got the advantages conferred on them by that part of the measure they would not be in too great a hurry to purchase what they had not the money to pay for, but would gradually endeavour to acquire the means by which to pay part of the purchase.

MR. MELDON said, he had bestowed a good deal of consideration on this subject, and he desired to offer a few remarks upon it. He was quite ready to admit that he could be no party to asking the Committee to affirm the proposition that the State should lend money except on good security. He pointed out that the security was not the subject-matter of the sale, but the subject-matter of the sale plus the landlord's interest; and the Prime Minister had said the landlord would be perfectly safe and secure. Therefore, he assumed that four-fifths of the purchase money would be perfectly safe, and he was not asking the Government to do anything that would cause a loss to the State; but the Prime Minister's argument was that the State was doing enough in advancing three-fourths, and the landlords should advance the additional sum required. It did not matter to the tenant where he got his money so long as he got it, and if experience showed that landlords would be prepared to advance the difference the tenant would not object to the

Government proposal; but the experience of the past showed that the last person from whom the tenant could expect any benefit or assistance for the purchase of his land was the landlord. That was likely to be the case in the future, and the tenant would in that case have no hope of becoming the owner of his land. Then it was said that it was not desirable that pauper tenants should be encouraged to purchase their land; but the proposal of the Government would bring about that result, because if every sixpence was extracted from a tenant who had to purchase his farm, he would be without capital to carry on his business, and so the proposal would pauperize him more than any other plan. He did not say the Government ought to advance the whole of the purchase money; but he believed the Government, having the security of the landlord and of the tenant, would be safe in advancing four-fifths. That would be in accordance with the recommendation of the Select Committee which sat three Sessions ago, and of which the First Commissioner of Works (Mr. Shaw Lefevre) was the Chairman. The recommendation was approved by Members of both sides of the House, and therefore the proposal was not a new one. He believed the security to the State would be perfectly good, and that it was fair to allow tenants to become their own landlords—not as paupers, but with capital to carry on their farms. The proposal, he maintained, was just and fair and reasonable, and he believed the Irish Members would be unanimous in wishing that the recommendation of the Committee of 1878, that four-fifths of the purchase money should be advanced by the State, should be given effect to.

SIR STAFFORD NORTHCOTE: I do not very precisely see why the hon. and learned Gentleman stops at four-fifths. It seems to me that his argument would rather imply that the State had better lend the whole purchase money, and I could have understood an argument founded upon that principle. I remember an old story of Mr. Sydney Smith, when he was talking with an Irish priest many years ago, when there was a question whether the Irish priests should or should not be paid by the State. The priest said—"The priests would never receive it." And Sydney Smith said—"Do you mean to say that

*Sir George Campbell*

if you had £300 a-year placed to your credit in a bank in a neighbouring town you would not consent to draw it?" The priest replied—"Oh! Mr. Smith, you have such a way of putting it." With regard to these advances to tenants it is such a way of putting it. It might be said to a tenant—"Would not you like to purchase your holding?" And he would say—"Yes; but I have not got the money." "Oh, but we will lend it—the State will advance it." And the man, at the request of the State, borrows the State's money—the State is very indulgent to men who are not only able to pay, but men who are not willing to pay—to make purchase on those very easy terms. I am one of those who are by no means sanguine as to the result of a wholesale purchase of land by the tenants. I believe entirely in what is called tenant proprietorship if it arises in this way. If a man by his own industry and by his own prudence has contrived to save a little money, and desires to invest that money in the purchase of land on which he lives, I have little doubt if he is able to get the money he requires on reasonable terms, it will be a good thing for him and for the country. The man then would bring his industry, his knowledge, and his moral qualities—power of self-denial, and all those qualities which the farmer has in countries where peasant proprietorship has grown up by natural causes—to bear on his holding. In that case it would be very beneficial. But where you tempt a man to come in and offer to purchase with very little trouble on his part, and everything is advanced by the State, I am not very sanguine on the subject. But I am quite ready to fall in with the proposals of the Government to give additional facilities beyond those at present given to the tenants to become the owners of their properties. I think at present the State advances two-thirds. It was proposed to increase it to three-fourths, and that is a considerable advance. I am not indisposed to agree to that proposal. I think more advantage is to be gained from somewhat relaxing the somewhat minute rules under which the advance is made. I look more to that than to the sum advanced. But while I am prepared to go as far as three-fourths, we ought to think a great many times before we go beyond that; and if we were prepared to go beyond,

we might just as well go the whole length and advance the whole. It is said a tenant may borrow the additional one-fourth. He might do so; and where he borrows at a high rate of interest it is probable the arrangement would turn out a bad one for him, and he would be a loser. I am afraid we cannot help that, and that would be the case with any man who borrowed recklessly; but the man would have saved a certain amount of money, and would be prepared to invest that with a certain proportion from the State in the purchase of his holding. I think you may fairly suppose that a considerable proportion of those who would make purchases would purchase with money which they have of their own, or may be able to borrow from their landlords or from members of their family on reasonable terms, or in some other way. But if they are prepared, after all the excellent arrangements made for them to go on with their holdings in this Bill, to make sacrifices in order to become owners of land and have not the wisdom to refuse to borrow money at 10, 15, or 20 per cent, I am afraid they are people with whom you will not do much good. I think, on the whole, the Government are making a very liberal proposal; but I am restrained by my financial conscience from going the length of three-fourths, and I shall be very sorry if the Government were induced to give more than that.

MR. A. MOORE said, he thought if more Members had been present earlier during the discussion their unanimity on this subject would have been better seen. With regard to the cases under the Church Act to which the hon. and learned Member for Dundalk (Mr. C. Russell) had referred, the tenants in those cases were only about 10 per cent in arrear; while those who purchased under the Land Act were a trifle over 6 per cent in arrear. Those who bought under the Church Act bought land which was not very productive, which had been highly-rented, and which was dearly bought in years of commercial depression; but, in spite of those difficulties, they managed to pay their debts with only 10 per cent in arrear. He thought there were very few landlords in Ireland or in England who could point to the same result during the last few years. They were giving the ten-

[*Twenty-second Night.*]

ants an additional interest in their holdings, and that would mean an additional security to the State. When the Chancellor of the Duchy of Lancaster (Mr. John Bright) introduced his clauses in the Act of 1870 it was thought that a social revolution would take place, and that a great number of tenants would avail themselves of those clauses; but during 10 years hardly £500,000 had really been spent in that way. That was, no doubt, owing in a great measure to the difficulties thrown in their way by the Treasury officials; and, through the prices being based on valuation, instead of getting two-thirds of the whole, they only got about one-half. If the Committee were anxious to increase the number of owners, and, at the same time, to guard them from excessive liabilities, why should they not fix the sum which they would spend annually? They might say how much they would advance in a year on good security, and then leave the Land Commission a wide discretion in the distribution of the money, not limiting every advance to two-thirds or three-fourths, but allowing them, in some cases, to advance a larger proportion.

Mr. GREER said, the Amendment appeared to cover an Amendment of his own in favour of advancing the entire sum. It would be optional with the Commission to advance the money or not, and they would not do so unless they were satisfied with the security. Therefore, the Government would be quite safe in advancing the whole amount. Still, he would be content with four-fifths; and he thought the Government might very well consider that it would be an immense advantage to many tenants to get the whole of the money in that way, and at a lower rate of interest than they otherwise could by borrowing from ordinary money-lenders.

Mr. MITCHELL HENRY confessed that he felt rather ashamed to take part in this discussion, which he thought was not very creditable to the Irish Members. The difference between three-fourths and four-fifths was not very large, and those who advocated four-fifths as though the whole interest of the tenants was bound up in this question were supposed to be the friends of the tenant; but, by-and-bye, the tenants would understand what it all meant. The Government proposed to

advance £75 out of every £100; and yet, with a boon of this kind, such as had never been offered in the history of this country to any class of people engaged in agricultural or commercial pursuits, hon. Members were disputing whether the State should advance £5 more in every £100. That was the sole question. Hon. Gentlemen had argued in favour of the whole amount being advanced, and the discussion had been upon the question whether the Government should advance £5 more than the £75 they conceded. Why should they not argue whether the Government should advance five-sixths and give £83 out of every £100? And, of course, anybody who advocated five-sixths would be a greater friend to the tenant than the man who advocated £75 or £80. The Purchase Clauses determined that, as a general rule, a sum not exceeding £3,000 should be advanced by the State. This £5 took £150 out of that £3,000. He wanted to know whether, when a country composed of England, Scotland, and Ireland was to be burdened with this provision, a man to whom £3,000 was to be advanced could consider it a hardship if he was expected to find £150 himself? The thing did not bear arguing. The fact was, the Irish Members ought to be most grateful to the Government for proposing to advance three-fourths, and they ought not to disgrace themselves by looking a gift-horse in the mouth. It was perfectly true that what were called the "Bright Clauses" had not had as large an operation as the right hon. Gentleman (Mr. John Bright) and others wished; but under the present Bill the tenants would be placed in a totally different position. The Committee appointed to investigate the working of those clauses recommended four-fifths instead of three-fourths; but that was under a totally different law to that now proposed. His belief was that the Irish tenants would find it to their advantage to put the Purchase Clauses in this Bill very much in operation. They would be so protected by this Bill that they would prefer to keep £25 out of every £100 in their pockets for working the farm. Then what would this Bill do? Any particular tenant on an estate might agree with his landlord for the purchase of his particular tenancy. In the case of a holding at £10 a-year, the State would advance three-fourths of

that a-year and fix the amount of purchase money on the basis of 22 years. What was to prevent a landlord from being willing to take this money on the bond of the tenant to pay the remainder? A landlord was not bound to find the tenant the money; but he would be content to rest the repayment of that which was not fully paid by the State on the future of the tenant, and he would have three times the security which the State would have. Under the circumstances, he could only conclude that the reason why, when this matter was being discussed, there was so empty a House and so many of the Irish Members were absent, and when the argument for an advance of four-fifths was urged with so much feeling, was because everybody felt that this was no light thing. It was not a true thing, it was not a creditable thing; and he would take part in any division as to the question whether £5 more per £100 was to be advanced to the Irish tenant.

MR. BIGGAR said, he thought one part of the hon. Member's (Mr. Mitchell Henry's) speech contradicted the other; for first he said a great boon was being given to the tenants, and then he said the tenants would make very little use of it. That simply showed that the argument was more or less not exceedingly logical; but he thought the position of the great bulk of the Irish Members was not so untenable as the hon. Member thought. The Government had proposed that facilities should be given for creating a peasant proprietary; but he was afraid that if more liberality was not shown the result would be rather inoperative. If, however, the clause was made more liberal, it would be a great advantage to the tenants and no disadvantage to the landlords, and no loss to the State. It was proposed by the Amendment that the Commissioners should have the power to advance up to the full amount which was paid to the landlord; but that did not represent the full value of the holding, because it took no note of the interest of the tenant over and above the interest of the landlord. And so far from its being proposed by the extreme advocates of this Amendment to lend the whole value of the holding, it was only proposed to advance four-fifths of the value. And while under this Bill it was proposed to lend three-fourths by the State, under the Act of

1870 only two-thirds were advanced; and he held that the State would have immeasurably better value for the three-fourths under this Bill than they had for the two-thirds under the Act of 1870, because the tenant had a saleable interest over and above what the landlord would get for his interest in the holding. Then as to the security the landlord would get if he gave credit for one-fourth, the Prime Minister seemed to forget that the landlord would be only a secondary mortgagee. But if the security was so good for the landlord, would it not be as good for the State, seeing that the State would be in the position of sole mortgagee, and could sell out the holding, while a secondary mortgagee had usually great difficulty in realizing his security? He therefore thought the Government would not be very far wrong in agreeing to the Amendment, leaving the Court to decide whether there was adequate security.

MR. SHAW entirely agreed with the hon. Member (Mr. Biggar) that, in lending the whole amount, the Government would have perfect security in nine cases out of ten, for they would not only have the fee-simple on the property, but the security of the mortgage. But the people of Ireland were choosers in the matter, and the State seemed to have put down its foot, and he feared they could not get the two distinguished Financiers on the two sides to yield more. He did not think it was a matter of great importance, because he hoped the operation of the present Bill and the operations of the Act of 1870 would be very different. The Act of 1870 failed because the clauses were thrown almost entirely into the hands of the Board of Works, and that was the merest echo of what was called the Treasury in London. The Board laid down such restrictions and rules that any extensive operation was impossible; and what he complained of now was, not so much that only three-fourths were offered, but that there was no elasticity in this clause, and some discretionary power left to the Court to advance a larger amount than that named. He had, in many cases, aided tenants to purchase their holdings—not only the fee-simple, but also long leases—and he had known of cases where it would have been impossible for the tenant to advance one-fourth of the money without injury.

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primary object of the Church Commission was to obtain the largest price that could be got for the land, and the giving effect to the "Bright Clauses" of the Act of 1870 was merely a subsidiary object. More than this, he knew a good deal of the land that had been brought under that system, and, as a rule, it was poor land. Notwithstanding the high price paid by the tenants, and the fact that the land they purchased was not in the main of the best kind, and that they had just passed through three successive bad years, out of the annual instalment of £110,000 payable to the Church Commissioners, he believed only about £4,000 remained in arrear. He had been informed, on what he believed to be good authority, that the borrowing, in these cases, by the tenants of the remaining fourth of the purchase money, and its repayment, had been a source of greater difficulty and expense to the tenants than the repayment of the annual instalments of the rest of the money; because the repayments due to the Commissioners bore a comparatively small interest, while the rate they had to pay for the fourth they had borrowed elsewhere was such as to be a hindrance and burden upon them which they found highly injurious. He was informed, though this was a point that he did not wish the Committee to understand he had personally inquired closely into, that in some cases the amount of interest payable on this one-fourth was as much as 20, 30, 40, and even 50 per cent. Surely this was a state of things to be avoided if possible. He recognized most fully, as the Prime Minister had pointed out, that there would be great objection to putting the State in the position of a rent-gatherer, or a tax-gathering landlord, or whatever term they might choose to apply; but the State was already, by the provisions which had been passed, necessarily in that position, and the question was how that position could best be fulfilled without loss to the State. The advances made by the State were becoming year by year gradually less, while at the same time the security held by the State was becoming year by year gradually greater. If the Committee once realized the real condition of affairs, it would be seen that the class of people in Ireland who, if he might use the phrase, aspired to be their own landlords, would, when once they had agreed to purchase their

holdings and made but one instalment good, go to work with a sense of security, with a vigour, and with promptings and aspirations such as they had never known before, and would struggle to the very death before they would do anything that would imperil the loss of that which it had been the greatest aim and object of their lives to acquire. He was exceedingly unwilling to discuss this point any longer than was necessary to bring fairly and fully before Her Majesty's Government the views of those who regarded it in the same light as himself; but he did most strongly feel the force of what he had just stated, and unless the Prime Minister had made up his mind resolutely and determinedly on the matter, he would respectfully ask the right hon. Gentleman whether it would not be possible, though he did not urge them to accept the Amendment and advance the whole, to accept the modified proposal that the Commission should be empowered to advance four-fifths? It was proposed to intrust to the Commissioners very large powers, and he thought it was not too much to permit them at their discretion to advance money to the extent of four-fifths of the purchase.

Mr. DAWSON said, from his knowledge of Ireland, North and South, he could inform the Committee that the hearts of the people were more set upon the Proprietary Clauses than upon any efforts, however well intended, to bolster up an untenable position in which they would find themselves in an uncommercial arrangement as between landlord and tenant. He hoped the Government would strain every effort and extend the well-intentioned proposals that appeared on the face of the Bill more prominently in the clauses they were now discussing than in any other part of the measure. These, he held, were really the clauses that would lead to finality, if finality was to be achieved. He considered that the arguments used by the right hon. Gentleman the Prime Minister went exactly to prove the case for the Amendment, although they were not brought forward with that view. The right hon. Gentleman had laid great stress on the security the tenants would have to offer; but every security the tenant had to offer to the landlord would also be available for the Government, and as

*Mr. Charles Russell*

points to do what they considered right for the tenants, would strain another point to enable the tenants to become proprietors of their own holdings.

MR. SHAW LEFEVRE said, that as Chairman of the Select Committee which recommended that four-fifths of the purchase money should be advanced to tenants, he was most anxious to disclaim any responsibility for that proposal. In the Report he presented, he proposed no more than three-fourths. For his part, he thought the advance of three-fourths of the money reasonable and sufficient. If a larger proportion than that were advanced they would be approaching very nearly the amount of the previous rent. By this Bill, they were not only increasing the proportion to be advanced from two-thirds to three-fourths, but they were also removing the former restrictions upon these transactions, and particularly the restriction in regard to mortgages. He was confident that the removal of the latter restriction would do more to facilitate these transactions in the future, even than the raising of the proportion of the purchase money to be advanced. If they departed from the proposal of three-fourths and went to four-fifths, they might as well advance the whole of the money. There were very strong arguments to be urged against that. It would, indeed, be possible to advance the whole of the purchase money by spreading the instalments over 43 years; but if a great number of such transactions were to take place there would arise in Ireland a universal agitation on the part of all the other tenants to be put in that favourable position. Such an enactment would inevitably give rise to an agitation for the expropriation of landlords. He was against the expropriation of landlords, and it would be most unwise to put a large number of tenants in Ireland in a position which would give other tenants a cause to complain. For these reasons, he agreed that it would be unwise to raise the proportion to be advanced by the State beyond three-fourths. He believed the Government had gone to the extreme limit of what was just and reasonable in the matter, and that the Committee should accept the proportion named in the clause.

MR. JUSTIN M'CARTHY said, the argument of the right hon. Gentleman as to some tenants seeing their neighbours

better treated than themselves was not one which appealed to his judgment as against the Amendment. What the Irish Members wanted was to see tenants treated in such a way as to make their neighbours anxious to be equally well treated. As to the difficulty of the Court advancing a large proportion of the money in every case, there was nothing in the Bill to suggest that the Court should be compelled to advance four-fifths, or three-fourths, or even one-tenth. The clause only provided that they might advance a certain proportion when they were satisfied with the security; and he believed it would be better to allow the Court to go the whole length of the purchase money where they thought it well. His own impression was that a great many of those who would make applications under this Bill would seek to get as little as possible from the Court—to get just as much as would enable them to tide over a difficulty; but in other cases it would be an advantage to allow the Court to advance even the whole amount. This part of the Bill had for him an especial attraction. He believed there would be found great practical difficulty in adjusting all the niceties of arrangements about ownership, joint-ownership, landlords' and tenants' share and interests, and all those intricate and delicate questions which must arise under the first portions of the Bill. He did not feel the same doubts about this part of the measure as about the earlier parts, and therefore he urged the Government to accept the Amendment—although he would rather see it pushed further still, leaving the Court a discretionary power to advance the whole amount. The hon. Member for Cork County (Mr. Shaw) said it was no use discussing this question because the Government had put its foot down; but he was not greatly alarmed by that announcement, for they had had some experience of that performance with this and other Governments. They had seen statesmen put their foot down quickly, and as quickly take it up; and, furthermore, a Government which put its foot down and kept it down would naturally not make very much progress with any measure it undertook. But he would credit the Government with being willing to take its foot up if, by so doing, the progress of this Bill would be



1870 being attended with success; but he had been a good deal struck by reading the Report of the Assistant Commissioners under the Richmond Commission, who said with regard to this question of purchase under the Irish Church Act, that in the county of Armagh, one of the best counties in Ireland, in almost all cases where the tenants had not the money to meet the payment of the fourth, but had to borrow it, the operation of the Act had been unsuccessful. He hoped that this would not be general under this Bill; but he confessed he was not very sanguine on the subject, although some hon. Members seemed to be. In his opinion, what was required was that the thing should be done gradually. They ought not to have Irish tenants rushing into the arms of the Land Commission and getting three-fourths from them and the fourth part of the money from usurers. He was heartily glad that the first part of the Bill had been passed in the interest of the Irish tenants; but what he hoped to see was, that having got the advantages conferred on them by that part of the measure they would not be in too great a hurry to purchase what they had not the money to pay for, but would gradually endeavour to acquire the means by which to pay part of the purchase.

MR. MELDON said, he had bestowed a good deal of consideration on this subject, and he desired to offer a few remarks upon it. He was quite ready to admit that he could be no party to asking the Committee to affirm the proposition that the State should lend money except on good security. He pointed out that the security was not the subject-matter of the sale, but the subject-matter of the sale plus the landlord's interest; and the Prime Minister had said the landlord would be perfectly safe and secure. Therefore, he assumed that four-fifths of the purchase money would be perfectly safe, and he was not asking the Government to do anything that would cause a loss to the State; but the Prime Minister's argument was that the State was doing enough in advancing three-fourths, and the landlords should advance the additional sum required. It did not matter to the tenant where he got his money so long as he got it, and if experience showed that landlords would be prepared to advance the difference the tenant would not object to the

*Sir George Campbell*

Government proposal; but the experience of the past showed that the last person from whom the tenant could expect any benefit or assistance for the purchase of his land was the landlord. That was likely to be the case in the future, and the tenant would in that case have no hope of becoming the owner of his land. Then it was said that it was not desirable that pauper tenants should be encouraged to purchase their land; but the proposal of the Government would bring about that result, because if every sixpence was extracted from a tenant who had to purchase his farm, he would be without capital to carry on his business, and so the proposal would pauperise him more than any other plan. He did not say the Government ought to advance the whole of the purchase money; but he believed the Government, having the security of the landlord and of the tenant, would be safe in advancing four-fifths. That would be in accordance with the recommendation of the Select Committee which sat three Sessions ago, and of which the First Commissioner of Works (Mr. Shaw Lefevre) was the Chairman. The recommendation was approved by Members of both sides of the House, and therefore the proposal was not a new one. He believed the security to the State would be perfectly good, and that it was fair to allow tenants to become their own landlords—not as paupers, but with capital to carry on their farms. The proposal, he maintained, was just and fair and reasonable, and he believed the Irish Members would be unanimous in wishing that the recommendation of the Committee of 1878, that four-fifths of the purchase money should be advanced by the State, should be given effect to.

SIR STAFFORD NORTHCOTE: I do not very precisely see why the hon. and learned Gentleman stops at four-fifths. It seems to me that his argument would rather imply that the State had better lend the whole purchase money, and I could have understood an argument founded upon that principle. I remember an old story of Mr. Sydney Smith, when he was talking with an Irish priest many years ago, when there was a question whether the Irish priests should or should not be paid by the State. The priest said—"The priests would never receive it." And Sydney Smith said—"Do you mean to say that

if you had £300 a-year placed to your credit in a bank in a neighbouring town you would not consent to draw it?" The priest replied—"Oh! Mr. Smith, you have such a way of putting it." With regard to these advances to tenants it is such a way of putting it. It might be said to a tenant—"Would not you like to purchase your holding?" And he would say—"Yes; but I have not got the money." "Oh, but we will lend it—the State will advance it." And the man, at the request of the State, borrows the State's money—the State is very indulgent to men who are not only able to pay, but men who are not willing to pay—to make purchase on those very easy terms. I am one of those who are by no means sanguine as to the result of a wholesale purchase of land by the tenants. I believe entirely in what is called tenant proprietorship if it arises in this way. If a man by his own industry and by his own prudence has contrived to save a little money, and desires to invest that money in the purchase of land on which he lives, I have little doubt if he is able to get the money he requires on reasonable terms, it will be a good thing for him and for the country. The man then would bring his industry, his knowledge, and his moral qualities—power of self-denial, and all those qualities which the farmer has in countries where peasant proprietorship has grown up by natural causes—to bear on his holding. In that case it would be very beneficial. But where you tempt a man to come in and offer to purchase with very little trouble on his part, and everything is advanced by the State, I am not very sanguine on the subject. But I am quite ready to fall in with the proposals of the Government to give additional facilities beyond those at present given to the tenants to become the owners of their properties. I think at present the State advances two-thirds. It was proposed to increase it to three-fourths, and that is a considerable advance. I am not indisposed to agree to that proposal. I think more advantage is to be gained from somewhat relaxing the somewhat minute rules under which the advance is made. I look more to that than to the sum advanced. But while I am prepared to go as far as three-fourths, we ought to think a great many times before we go beyond that; and if we were prepared to go beyond,

we might just as well go the whole length and advance the whole. It is said a tenant may borrow the additional one-fourth. He might do so; and where he borrows at a high rate of interest it is probable the arrangement would turn out a bad one for him, and he would be a loser. I am afraid we cannot help that, and that would be the case with any man who borrowed recklessly; but the man would have saved a certain amount of money, and would be prepared to invest that with a certain proportion from the State in the purchase of his holding. I think you may fairly suppose that a considerable proportion of those who would make purchases would purchase with money which they have of their own, or may be able to borrow from their landlords or from members of their family on reasonable terms, or in some other way. But if they are prepared, after all the excellent arrangements made for them to go on with their holdings in this Bill, to make sacrifices in order to become owners of land and have not the wisdom to refuse to borrow money at 10, 15, or 20 per cent, I am afraid they are people with whom you will not do much good. I think, on the whole, the Government are making a very liberal proposal; but I am restrained by my financial conscience from going the length of three-fourths, and I shall be very sorry if the Government were induced to give more than that.

MR. A. MOORE said, he thought if more Members had been present earlier during the discussion their unanimity on this subject would have been better seen. With regard to the cases under the Church Act to which the hon. and learned Member for Dundalk (Mr. C. Russell) had referred, the tenants in those cases were only about 10 per cent in arrear; while those who purchased under the Land Act were a trifle over 6 per cent in arrear. Those who bought under the Church Act bought land which was not very productive, which had been highly-rented, and which was dearly bought in years of commercial depression; but, in spite of those difficulties, they managed to pay their debts with only 10 per cent in arrear. He thought there were very few landlords in Ireland or in England who could point to the same result during the last few years. They were giving the ten-

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ants an additional interest in their holdings, and that would mean an additional security to the State. When the Chancellor of the Duchy of Lancaster (Mr. John Bright) introduced his clauses in the Act of 1870 it was thought that a social revolution would take place, and that a great number of tenants would avail themselves of those clauses; but during 10 years hardly £500,000 had really been spent in that way. That was, no doubt, owing in a great measure to the difficulties thrown in their way by the Treasury officials; and, through the prices being based on valuation, instead of getting two-thirds of the whole, they only got about one-half. If the Committee were anxious to increase the number of owners, and, at the same time, to guard them from excessive liabilities, why should they not fix the sum which they would spend annually? They might say how much they would advance in a year on good security, and then leave the Land Commission a wide discretion in the distribution of the money, not limiting every advance to two-thirds or three-fourths, but allowing them, in some cases, to advance a larger proportion.

MR. GREER said, the Amendment appeared to cover an Amendment of his own in favour of advancing the entire sum. It would be optional with the Commission to advance the money or not, and they would not do so unless they were satisfied with the security. Therefore, the Government would be quite safe in advancing the whole amount. Still, he would be content with four-fifths; and he thought the Government might very well consider that it would be an immense advantage to many tenants to get the whole of the money in that way, and at a lower rate of interest than they otherwise could by borrowing from ordinary money-lenders.

MR. MITCHELL HENRY confessed that he felt rather ashamed to take part in this discussion, which he thought was not very creditable to the Irish Members. The difference between three-fourths and four-fifths was not very large, and those who advocated four-fifths as though the whole interest of the tenants was bound up in this question were supposed to be the friends of the tenant; but, by-and-bye, the tenants would understand what it all meant. The Government proposed to

advance £75 out of every £100; and yet, with a boon of this kind, such as had never been offered in the history of this country to any class of people engaged in agricultural or commercial pursuits, hon. Members were disputing whether the State should advance £5 more in every £100. That was the sole question. Hon. Gentlemen had argued in favour of the whole amount being advanced, and the discussion had been upon the question whether the Government should advance £5 more than the £75 they conceded. Why should they not argue whether the Government should advance five-sixths and give £83 out of every £100? And, of course, anybody who advocated five-sixths would be a greater friend to the tenant than the man who advocated £75 or £80. The Purchase Clauses determined that, as a general rule, a sum not exceeding £3,000 should be advanced by the State. This £5 took £150 out of that £3,000. He wanted to know whether, when a country composed of England, Scotland, and Ireland was to be burdened with this provision, a man to whom £3,000 was to be advanced could consider it a hardship if he was expected to find £150 himself? The thing did not bear arguing. The fact was, the Irish Members ought to be most grateful to the Government for proposing to advance three-fourths, and they ought not to disgrace themselves by looking a gift-horse in the mouth. It was perfectly true that what were called the "Bright Clauses" had not had as large an operation as the right hon. Gentleman (Mr. John Bright) and others wished; but under the present Bill the tenants would be placed in a totally different position. The Committee appointed to investigate the working of those clauses recommended four-fifths instead of three-fourths; but that was under a totally different law to that now proposed. His belief was that the Irish tenants would find it to their advantage to put the Purchase Clauses in this Bill very much in operation. They would be so protected by this Bill that they would prefer to keep £25 out of every £100 in their pockets for working the farm. Then what would this Bill do? Any particular tenant on an estate might agree with his landlord for the purchase of his particular tenancy. In the case of a holding at £10 a-year, the State would advance three-fourths of

that a-year and fix the amount of purchase money on the basis of 22 years. What was to prevent a landlord from being willing to take this money on the bond of the tenant to pay the remainder? A landlord was not bound to find the tenant the money; but he would be content to rest the repayment of that which was not fully paid by the State on the future of the tenant, and he would have three times the security which the State would have. Under the circumstances, he could only conclude that the reason why, when this matter was being discussed, there was so empty a House and so many of the Irish Members were absent, and when the argument for an advance of four-fifths was urged with so much feeling, was because everybody felt that this was no light thing. It was not a true thing, it was not a creditable thing; and he would take part in any division as to the question whether £5 more per £100 was to be advanced to the Irish tenant.

Mr. BIGGAR said, he thought one part of the hon. Member's (Mr. Mitchell Henry's) speech contradicted the other; for first he said a great boon was being given to the tenants, and then he said the tenants would make very little use of it. That simply showed that the argument was more or less not exceedingly logical; but he thought the position of the great bulk of the Irish Members was not so untenable as the hon. Member thought. The Government had proposed that facilities should be given for creating a peasant proprietary; but he was afraid that if more liberality was not shown the result would be rather inoperative. If, however, the clause was made more liberal, it would be a great advantage to the tenants and no disadvantage to the landlords, and no loss to the State. It was proposed by the Amendment that the Commissioners should have the power to advance up to the full amount which was paid to the landlord; but that did not represent the full value of the holding, because it took no note of the interest of the tenant over and above the interest of the landlord. And so far from its being proposed by the extreme advocates of this Amendment to lend the whole value of the holding, it was only proposed to advance four-fifths of the value. And while under this Bill it was proposed to lend three-fourths by the State, under the Act of

1870 only two-thirds were advanced; and he held that the State would have immeasurably better value for the three-fourths under this Bill than they had for the two-thirds under the Act of 1870, because the tenant had a saleable interest over and above what the landlord would get for his interest in the holding. Then as to the security the landlord would get if he gave credit for one-fourth, the Prime Minister seemed to forget that the landlord would be only a secondary mortgagee. But if the security was so good for the landlord, would it not be as good for the State, seeing that the State would be in the position of sole mortgagee, and could sell out the holding, while a secondary mortgagee had usually great difficulty in realizing his security? He therefore thought the Government would not be very far wrong in agreeing to the Amendment, leaving the Court to decide whether there was adequate security.

Mr. SHAW entirely agreed with the hon. Member (Mr. Biggar) that, in lending the whole amount, the Government would have perfect security in nine cases out of ten, for they would not only have the fee-simple on the property, but the security of the mortgage. But the people of Ireland were choosers in the matter, and the State seemed to have put down its foot, and he feared they could not get the two distinguished Financiers on the two sides to yield more. He did not think it was a matter of great importance, because he hoped the operation of the present Bill and the operations of the Act of 1870 would be very different. The Act of 1870 failed because the clauses were thrown almost entirely into the hands of the Board of Works, and that was the merest echo of what was called the Treasury in London. The Board laid down such restrictions and rules that any extensive operation was impossible; and what he complained of now was, not so much that only three-fourths were offered, but that there was no elasticity in this clause, and some discretionary power left to the Court to advance a larger amount than that named. He had, in many cases, aided tenants to purchase their holdings—not only the fee-simple, but also long leases—and he had known of cases where it would have been impossible for the tenant to advance one-fourth of the money without injury.

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The object of the lender should be to leave the farmer with full power of manufacture; but in a case where the State was entering upon an operation which might extend over the whole of Ireland, it was, perhaps, too much to ask for more than three-fourths. He would, however, press the Government to give the Court some power of varying the amount. He did not expect there would be a rush all over Ireland into the system. He hoped the result would take the direction indicated by the Leader of the Opposition; for if people were tempted by any extravagant amount of money to enter into the system, that might do them more harm than good. He would rather stimulate them to exercise this privilege, and give the Court an optional power in cases where they saw honest, industrious men, who had created property on their farms anxious to purchase. He did not urge that the whole amount should be given; but he thought more than three-fourths might be given. That very day an Irish landlord had told him he was going to sell some outlying portions of his property, and that in every case the tenant provided half the amount, and for the remainder he had arranged to take the tenant's bond. That, he was sure, would be sufficient security for any landlord where a tenant was found to be industrious. He thought the people of Ireland ought to try to do something for themselves. There was a great deal of farmers' money lying in the banks. He did not wish to see that money going to the banks; for if the industry of the country could be stimulated, the farmer, although he might lose his capital for the moment, would get it back in a short time with ten-fold interest. Something might be done in this way by forming tenants' trust funds; and he should not be surprised if the Prime Minister were to give them £200,000 or £300,000 out of the Church Surplus Fund for that purpose. If they could create such a fund in every district in Ireland, tenants would be able to provide one-fourth of the purchase money. He hoped the hon. and learned Member would withdraw his Amendment, for he did not think any good could be done by going to a division upon it.

SIR HERVEY BRUCE said, that from the landlord's point of view, he

*Mr. Shaw*

should like to make the clause work more practically than it would in its present form; and he could not agree with the roseate hue the Prime Minister had given to the position of the landlords under this Bill. He should be only too glad to get rid of the property he had in Ireland when the Bill became law; and he should be glad to see greater facilities given to the landlord to do that, for he was certain no capitalist in Ireland or England would, at the present moment, invest money in land in Ireland. The only persons landlords would now have to look to to purchase their land would be their tenants, and he was anxious to see every facility given to the tenants to become peasant proprietors. He believed the tenants would be better off under this Bill if they were not all proprietors; but, as far as he was concerned, he was quite willing they should become so. He should, therefore, vote for the Amendment of the hon. and learned Member for Tyrone in preference to that of the hon. and learned Member for Dundalk (Mr. Charles Russell), because they need not stop at four-fifths. The Prime Minister had suggested that the landlords might allow 25 per cent of the purchase money to lie on the property. He agreed that if a landlord gave a mortgage on the property he might be able to obtain the interest for his advances as a mortgagee. But, as a landlord, how could he get his money? He would simply be a landlord with three-fourths of his property gone, and only one-fourth left for himself. He did not think the Prime Minister would like to be a landlord in Ireland looking for 25 per cent from the tenant after the Government had got their 75 per cent. The hon. Member for the County of Cork (Mr. Shaw) had alluded to bills. But were the Irish landlords to become bill-brokers for 25 per cent which would practically be rent? The hon. Member for Kirkcaldy (Sir George Campbell) had suggested a gradual way of dealing with the tenants; but what would that be? The men who were able to buy their holdings were the most solvent tenants and the most necessary for the landlords; but the plan of the hon. Member for Kirkcaldy was that they should become owners, and the landlord should be left with all the small tenants. He hoped the Government, having strained many

points to do what they considered right for the tenants, would strain another point to enable the tenants to become proprietors of their own holdings.

MR. SHAW LEFEVRE said, that as Chairman of the Select Committee which recommended that four-fifths of the purchase money should be advanced to tenants, he was most anxious to disclaim any responsibility for that proposal. In the Report he presented, he proposed no more than three-fourths. For his part, he thought the advance of three-fourths of the money reasonable and sufficient. If a larger proportion than that were advanced they would be approaching very nearly the amount of the previous rent. By this Bill, they were not only increasing the proportion to be advanced from two-thirds to three-fourths, but they were also removing the former restrictions upon these transactions, and particularly the restriction in regard to mortgages. He was confident that the removal of the latter restriction would do more to facilitate these transactions in the future, even than the raising of the proportion of the purchase money to be advanced. If they departed from the proposal of three-fourths and went to four-fifths, they might as well advance the whole of the money. There were very strong arguments to be urged against that. It would, indeed, be possible to advance the whole of the purchase money by spreading the instalments over 43 years; but if a great number of such transactions were to take place there would arise in Ireland a universal agitation on the part of all the other tenants to be put in that favourable position. Such an enactment would inevitably give rise to an agitation for the expropriation of landlords. He was against the expropriation of landlords, and it would be most unwise to put a large number of tenants in Ireland in a position which would give other tenants a cause to complain. For these reasons, he agreed that it would be unwise to raise the proportion to be advanced by the State beyond three-fourths. He believed the Government had gone to the extreme limit of what was just and reasonable in the matter, and that the Committee should accept the proportion named in the clause.

MR. JUSTIN M'CARTHY said, the argument of the right hon. Gentleman as to some tenants seeing their neighbours

better treated than themselves was not one which appealed to his judgment as against the Amendment. What the Irish Members wanted was to see tenants treated in such a way as to make their neighbours anxious to be equally well treated. As to the difficulty of the Court advancing a large proportion of the money in every case, there was nothing in the Bill to suggest that the Court should be compelled to advance four-fifths, or three-fourths, or even one-tenth. The clause only provided that they might advance a certain proportion when they were satisfied with the security; and he believed it would be better to allow the Court to go the whole length of the purchase money where they thought it well. His own impression was that a great many of those who would make applications under this Bill would seek to get as little as possible from the Court—to get just as much as would enable them to tide over a difficulty; but in other cases it would be an advantage to allow the Court to advance even the whole amount. This part of the Bill had for him an especial attraction. He believed there would be found great practical difficulty in adjusting all the niceties of arrangements about ownership, joint-ownership, landlords' and tenants' share and interests, and all those intricate and delicate questions which must arise under the first portions of the Bill. He did not feel the same doubts about this part of the measure as about the earlier parts, and therefore he urged the Government to accept the Amendment—although he would rather see it pushed further still, leaving the Court a discretionary power to advance the whole amount. The hon. Member for Cork County (Mr. Shaw) said it was no use discussing this question because the Government had put its foot down; but he was not greatly alarmed by that announcement, for they had had some experience of that performance with this and other Governments. They had seen statesmen put their foot down quickly, and as quickly take it up; and, furthermore, Government which put its foot down and kept it down would naturally not make very much progress with any measure it undertook. But he would credit the Government with being willing to take its foot up if, by so doing, the progress of this Bill would be pro-

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moted. Therefore, he urged hon. Members to bring as much pressure as possible to bear on the Government to go as far as it could towards agreeing to allow a four-fifths' advance. There was no principle whatever involved in this question; for when once they granted any part of the purchase money they could not say there was any hard-and-fast line between three-fourths and four-fifths. It was all a matter of convenience for that peasant class whom they wanted to help to become proprietors; and he supported the Amendment because he thought it better than the proposal of the Government.

Mr. LITTON said, it appeared to him that, having regard to what seemed to be the feeling of the majority of hon. Members, it would not be wise to press the Amendment to a division or to occupy further time in discussing it. In this view he was influenced by the observations of the hon. Member for the County of Cork (Mr. Shaw), and also by the generous and considerate and handsome manner in which the Prime Minister had spoken of the Amendment. He was also influenced by the anxiety which prevailed to make progress with the Bill; and, therefore, he would ask permission to withdraw his Amendment.

Mr. DALY pointed out that if in the case of a £10 holding for 22 years, the State only advanced £165, leaving the tenant to find the remaining £55, the tenant would have to pay 8s. 4d. more per annum than if the larger sum proposed were advanced, and for the disadvantage of paying that extra amount, the tenant would have £5 more in his pocket for the purchase of seed. He held that, in the interest of the Government, it would be better to advance four-fifths, and that they would have better security than on three-fourths. In the case of a small tenant the £55 deficit, if only £165 were advanced, would have to be obtained from the "gombeen" man, and would be liable to such interest as to cost nearly as much as the interest on the £165 advanced by the Government. If they applied the Bill to the poor tenants, the more generously they did so the greater would be the security for the advances. The Jews had been expelled from Russia through being driven into the position into which the Government would drive the Irish tenants if they compelled

them to borrow on the principle of mortgages. Four-fifths was only 5 per cent advance on the sum proposed by the Government; and he trusted the Government, having made a proposal which he recognized as large and generous, would give to those who had so long been under English misrule and injustice this additional benefit.

Mr. ILLINGWORTH remarked that nothing was more wonderful than the unanimity which had been shown by Irish Members upon this question, and he would purchase at a great sacrifice such a marvellous unanimity on any great Irish question. If this were not a comprehensive Bill and did not contain extraordinary provisions in the interest of tenants who might not be able to buy their farms, an appeal might be made for a lavish advance. When there was, however, this alternative proposal by which, when the Bill was passed, tenants who were without spare capital would find themselves in a good position, he thought a substantial boon had been offered to them by the British House of Parliament. Those tenants might be advised to be content for the present to remain tenants, hoping in the future, by their own prudence and thrift, to become owners of their holdings. But how did the matter stand when the State interfered? Ought the State to run any risk in advancing the purchase money? He unhesitatingly said the State ought not to run the slightest risk. If the money was to be given, let it be a gift; but if it was to be a prudent financial operation, for which the State was to be liable and to assume the position of a lender, then he thought an advance of three-fourths was as much as the Government should be asked to give. The State was to advance the money at a low rate of interest, and that implied that there ought to be no risk to the State. With regard to the argument of the hon. Member for the County of Cork (Mr. Shaw) a landlord could discriminate as to the tenant, and it might be said that the landlord could exercise a wise discrimination. But how could the Commissioners possess such an intimate knowledge of the character of the men as to make it safe to give them the power proposed? Supposing there were many cases in which the tenant could not provide one-fourth, if he could raise one-eighth that would be a deposit which to many landlords

*Mr. Justin M. Carthy*

would be satisfactory, and would justify them in giving a tenant an opportunity of obtaining the remainder. He should be very sorry if the Government were pressed to go beyond their fair and reasonable offer.

MR. FITZPATRICK said, he thought the fact of so much unanimity amongst the Irish Members ought to induce the Government to accept the Amendment at once. There was an old story that if one Irishman was going up a ladder there were generally two Irishmen trying to pull him down. In this case it was apparently the other way. All the Irishmen in the House were trying to help the tenant up the ladder, and therefore he thought the Government might accept the proposition. A good deal had been said about "gombeen" men, and that was all very fair; but there was another element which was equally dangerous, and that was the advancing of the excess quarter by the banks. At the present time the banks charged an enormous rate of interest; and although he agreed with the hon. Member for the County of Cork that as a financial arrangement that might be suitable to the banks, still the unfortunate tenant might get himself into hot water if he was not able to redeem at the right moment. He had reason to believe that in the year before last 22,000 processes were issued in Munster alone by the banks to recover rents; and he believed the distress in Ireland during the last two years was in many instances due more to the extreme action of the banks than to the action of the landlords. For that reason alone he thought the Government ought to be glad to keep the tenants as its debtors, and not to let them become the debtors of banks and "gombeen" men. He hoped the Government would give way a little on this point, and help the Committee to be unanimous for that night at any rate.

MR. JOHN BRIGHT: The speech of the hon. Gentleman (Mr. Fitzpatrick) has afforded the Committee a good deal of amusement. He remarked upon the fact that the Irish Members were unanimous on this occasion. I think it is quite correct to say so, because it is quite evident that a rather more reasonable view is taken on this side of the House by the Irish Members than by some hon. Gentlemen on that side. But still that unanimity is of a kind which may be

always purchased by the Chancellor of the Exchequer, and I do not say that with regard to Irishmen only—but there is a mode of pleasing people all round by sacrificing the public interest. Now, in this case, as I understand, a part of the Amendment proposed is almost universally given up. I think no sensible man, notwithstanding the speech of the hon. Member for Longford (Mr. Justin M'Carthy), would really wish that the Government should undertake to pay the whole sum, and bring all the tenants in Ireland instantaneously into the field to demand that they should be made proprietors. I suppose at present landed proprietors of Ireland are in despair, and that they will be as ignorant in the future as they have been ignorant in the past. The Irish proprietors, if we are to judge from the speeches we have heard to-night, would be as anxious to sell as the tenants would be anxious to buy if the Government would step in and pay the whole of the purchase money. I should be very sorry to see anything so sudden and so extravagant as that undertaking. I believe nothing could be more dangerous—nothing could set a worse example for the Treasury and the Chancellor of the Exchequer of this country—and I suspect it would be bad also for those whom hon. Gentlemen opposite serve. Let us look at the condition of things with regard to the price of land in Ireland now, and to the price of the produce of the soil. I do not know how far the hon. Member for Waterford (Mr. Blake) is correct; but, as most of us are aware, he has travelled extensively in Canada and the United States since last Session. He has written letters to the papers, published a pamphlet, and set forth a very formidable statement as to the probable reduction in the price of the product of the soil of Ireland in the next five or six years. My impression is that he has very much overstated the case. If there be anything like reason or truth in it, it may be that within the next five or six years, if you had 100,000 tenants made into proprietors at anything like the present prices for land, or sale, or rent, you may have a vast number of them coming back to the Government and saying—"You have led us into the expensive purchase of our farms at prices which were fixed looking to the past, and with little or no knowledge of the future;"

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and the Government might be involved in the greatest possible anxiety if this state of things, predicted by the hon. Member, should be true. Therefore, I believe—and no one in this House will doubt my anxiety—that this clause should act, that this Bill throughout should act, and that this clause especially should act in the direction I have pointed out on so many occasions. But, with that feeling, I am the more anxious the purchase of farms should go on, not with extraordinary and perilous rapidity, but with steady growth and action springing from the experience we have from year to year that the purchase and sale of land and the creation of a proprietary class is found to be an increasing advantage to the country. Now, my hon. Friend the Member for Galway (Mr. Mitchell Henry) pointed out what is on the surface of this question—that the difference between hon. Gentlemen from Ireland and the Government is a difference of merely £5 in the £100. The Government propose to give £75; Irish Members ask for £80. The sum is so small that, on either side, a person might be at liberty to say it is hardly worth differing about; that probably the £80 would be no loss to the Government. I do not say that it would be; but it must be admitted that £75 is a very large and liberal offer. It must not be forgotten that the proportion under the Act of 1870 was only two-thirds, and yet we have never heard, and I do not believe it to be true, that any sensible portion of the failure of that Act is to be traced to the fact that only two-thirds was to be paid; while under the Irish Church Commission the proportion advanced was three-fourths, as proposed in this Bill, and I have never heard it asserted by anyone intimately acquainted with the transactions under that Commission that it has not succeeded because the advance was only three-fourths. If that be so, I think Irish Members may comfort themselves with this knowledge which they derived from the experience of the past, that three-fourths is better than the sum offered under the Act of 1870, and equal to that which was offered under the Church Commission. It is equal to everything you have had under the experiments in this matter, and in no case can it be said to have failed. Therefore, I think the wise course to take would be to ac-

cept the proposition which the Government now make, and which the Head of the Government has, with such unanswerable arguments to-night, defended; and I know no man—the House knows no man—in the confines of the country who is to be more trusted on a great financial question than my right hon. Friend. After the discussion which has taken place, I presume, from what has been said, that hon. Gentlemen opposite will have a division, and that the Amendment will not be withdrawn. I wish it might be, and that not only Englishmen but Irishmen could be unanimous. I am most anxious for the success of these clauses, believing that they will be in the future—and not only in the immediate future, but in the distant future—as important as the other portions of the Bill. If I thought £80 would be better, or sensibly better, than £75, I would recommend it; but I believe £75 is a just and sufficient proposition and meets the requirements of the case, and is consistent with a regard for what is due to the Exchequer, and I therefore ask the Committee strongly to assent to the proposition as it stands.

MR. GIVAN said, he was exceedingly glad that the right hon. Gentleman (Mr. Gladstone) had adopted the course of explicit argument in this matter, because there was no man in the world at the present time to whom all sensible Irishmen would submit so readily than to the right hon. Gentleman who, by the Act of 1870, had done more to ameliorate the condition of the people of Ireland than any living statesman. He was supported in that view by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright), to whom the people of Ireland also owed a debt of gratitude; but he must press on the Committee that there was a necessity for extending the amount to be advanced to the tenants. This difference of £5 was a matter of vital importance to the Irish tenant; and he contended that in the case, for instance, of a holding at £20 rent, with a fee-simple value of £400 and a tenant right of £300, the Government, advancing £300, would have an ample margin of security. In the case of the Irish Church Act the Commissioners knew now that they would have been better off if they had advanced the tenants the whole of the purchase money rather than a propor-

*Mr. John Bright*

tion which sent them to the money-lenders for the balance. He believed the only system that would work would be a system of advancing either the whole amount, or such proportion of it as the Land Commissioners were convinced the tenant could give security for. In the Probate Court, where administration was granted, the Court took a bond of personal security to the extent of several thousands of pounds from two or three individuals, and the Land Commissioners might adopt a similar plan.

Mr. CHARLES RUSSELL said, he rose for the purpose of expressing the hope that hon. Members opposite would allow the Amendment to be withdrawn. He should not vote for it, and he wished to point out why he should not. He recognized the force of the arguments used by the Prime Minister against the advance of the whole sum, because he held that the Government proposal was a boon which ought to be held out to thrifty tenants who had given good guarantee by their conduct for the repayment of the money. He further objected to the Amendment because it did not leave any discretion to the Commission to advance up to four-fifths, but made it compulsory on them to advance a minimum of four-fifths. On these two grounds he should certainly not vote in favour of it. If the Amendment were not pressed he should certainly, without discussion, ask the Committee to take a division upon an Amendment which stood in his name later on, and which gave a discretion to the Commission as to the amount they might advance up to four-fifths.

Mr. PARNELL: If I saw any disposition on the part of the Government to agree to the proposal of four-fifths, I should say that there might be some reason for the suggestion of the hon. and learned Member for Dundalk (Mr. C. Russell), because we should be gaining something by the discussion we have had to-night. But so far as there is any principle involved in the question which might and ought to induce us to take a division, although we know we cannot carry our Amendment, it appears to me involved in the question of advancing the whole as compared with advancing only a small portion. I cannot see that there is much principle involved in the question of whether the State shall advance £75 or £80, and so far I quite

agree with the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright). If, however, we could gain the concession of that additional advantage for the tenants, they would only have to pay £20 in the £100 instead of £25. In that case, as we should be gaining a substantial advantage, we might waive the right of taking a division on the question of principle. But I have seen no indication from the Government Bench of that concession, and, failing such an indication, I do not think we should be justified in allowing the Amendment to be withdrawn. Now, it appears to me that this question has been treated very much as if some pull was going to be made upon the British taxpayer and the British Exchequer. But that is really not so. All we ask is this—that having deprived us of the right, by the Act of Union of pledging our own credit, you will allow us to use your credit to this extent. If we had the right to pledge the credit of the counties in Ireland for this purpose, I am quite sure that we could borrow the money at very little over the rate at which the State seems disposed to lend this money, for which I think something like 3½ per cent is charged. I feel quite sure that any public body in Ireland authorized to borrow money for this purpose could borrow it at 3½ per cent per annum. So, it is not really a question of asking any money from the English whatever. We want no money from the taxpayer. We merely desire the right of pledging our own credit as regards our own land; and, as you refuse us that right, we think it only reasonable that you should pledge your own credit for us. Now, this matter might be effected in a great variety of ways. There is no reason why the landlords should receive cash for their property. Why not give them State paper? Offer them State paper bearing 3 per cent per annum interest, and let them make the best they can out of the transaction. The landlord selling his property would be perfectly willing to take State paper which would fetch par at the present rates of money on the London Stock Exchange. Therefore, no cash is actually required from the State. It is simply a question of the way in which the money is to be advanced, and the landlords have no right to ask that the State should give them cash if the State

offers them paper. Well, now, what would the security be? You have the security in this case of the landlord's interest at a time when land is very much depreciated in the Irish market, and you have the tenant's interest. You have these two interests as security for the repayment of the money. It has been pointed out that every year that goes by will give the tenant an additional interest in his holding, and consequently will give the State a greater security for the punctual repayment of the loan. I fear very much, from the stand which the Government have made upon the question, that they intend to make the fixing of rent the main portion of their Bill, and that they do not propose to follow the lines indicated by the noble Lord the Secretary of State for India when he said that the Government only proposed the rent-fixing clause as a present expedient, and that they looked for the permanent settlement of the question to the creation of a greater number of owners of land in Ireland. It appears evident that the Prime Minister has a prejudice against allowing a large number of Irish tenants to become debtors to the State to any large extent. He may fear that hereafter some movement may be commenced for the purpose of repudiating their debts; but I would remind the Committee that there is a very great difference between repudiating a debt which has been entered into entirely of their own accord on the part of the tenants and repudiating unjust rents which they have been forced by the circumstances of the case to undertake to pay, whether they could or not, to the landlord. I quite agree with the right hon. Gentleman the Chancellor of the Duchy of Lancaster that it is not desirable, in view of foreign competition, that a very large amount of land in Ireland should be bought by the tenants at the present moment, and I do not think that the Irish tenants would have any disposition to plunge into such transactions with that hot haste which the right hon. Gentleman has assumed that they would exhibit in the event of their being able to obtain an advance of the whole of the purchase money from the State. I think the Irish tenants would be very cautious about undertaking to buy holdings at the present moment, even at no very high figure, or at any figure, which

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they would be still liable to pay, no matter what the depreciation of produce might come to in consequence of foreign competition. But, after all, the Government are inviting tenants with the utmost confidence to enter into a 15 years' statutory term at a fixed rent; and it is, after all, only a question of degree, whether you shall enter into a 15 years' statutory term at a fixed rent, or whether you shall enter into the ownership which should be paid off by paying a fixed rent for a period of 35 years. In the one case the tenant would in all probability, at the end of the 35 years, have doubled the value of the holding by the improvements he would have been able to effect on it, owing to the security he would feel from his ownership; in the other case he would feel that he had a very uncertain future, and would leave the holding at the end of the term in no better condition than it was at the commencement. So that, from every point of view, I think the argument is overwhelmingly against the Government in refusing this very small concession to the Irish tenants and also to the Irish landlords. Now, how would it act in the case of estates in the hands of trustees? The Prime Minister invites the Irish Members to allow the remaining fourth of the £100 to stand out as a second charge. But in the case of lands in the hands of trustees they would not be permitted, if they held a first charge, to take a second charge; and it might be their duty either to insist upon the payment of the whole sum, or else to refuse their assent to any portion of it being allowed to stand out as a second charge. In fact, no trustee under the circumstances would be able to assent to the arrangement, because he would be violating his trust, and taking a responsibility on himself which no trustee could be called upon to take. Then, again, the landlord, if he sells his estate, may wish to go elsewhere. His remaining interest in it—namely, the collection of the interest and purchase money—would be very small, and it would be an exceedingly expensive matter to keep an agent and bailiffs on the spot for the purpose of collecting these annual payments. The State, on the other hand, would have their legal tax-gatherers and all the other machinery, so that they would have an inexpensive means of collecting the charge which would come

in their way to make the annual charge much more cheaply than in the way of the landlords. I fear that what the Government are really driving at is this—They do not like to trust the Irish people. They like to keep the Irish landlords as a buffer between themselves and the tenants. In no self-governing country would such a miserable concession as this have been refused. We have the example of Prussia, where the State advanced the whole of the money necessary for compensating the nobles. We have the example of Russia, a country very much poorer than England, where the State advanced the whole of the money to emancipate the serfs and to compensate the nobles. We have the example of Prince Edward's Island, one of our own Colonies, where the owners and landlords had been planted in times gone by by the English Legislature, and where the State advanced the whole of the money for the purpose of buying out these English landlords who had been planted in the Island when it was found that the conditions of their landlordship had become intolerable. It is only in the case of a country like England governing another country like Ireland that we see this want of confidence, and this refusal to allow the people to come into contact with the Government. It is one of the misfortunes of foreign rule—one we meet at every turn. The method of reconciling the respective interests of the landlord and tenant is a question still to be answered by the Prime Minister. It will pursue you to the end of this Bill; and if anything causes the failure of this Bill, it will be that want of trust of the Irish people which is so evident, and that desire to introduce a foreign and small class between the great bulk of the people of Ireland and the Government of England.

MARJOR NOLAN said, that the Committee upon the "Bright Clauses" of the Land Act on which he sat was almost unanimously of opinion that four-fifths of the price might be safely advanced. The arguments used that evening by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) and by the right hon. Gentleman the Member for Reading (Mr. Shaw Lefevre) would, perhaps, be unanswerable, if it were not that the best way to answer them would be by referring to the meetings of that Committee. The

right hon. Gentleman the Member for Reading had taught the Committee how safe it would be to trust the Irish. He had said that there was no chance of the tenant failing to pay, because there were no less than three different sources of rent. In the first place, there would have been some payments by the tenant on his improvements. Then there was the goodwill; and no one used to point out so strongly to the Committee as the right hon. Gentleman what the importance of that goodwill was, and what a great difference there was between land in occupation and land not in occupation in Ireland. Of course, the right hon. Gentleman was now representing the Government after having been so largely representing the Committee; but he did not think the right hon. Gentleman was nearly so strong in opposing Irish interests as he had been in advocating Irish interests; and he thought they still owed a balance of gratitude to the right hon. Gentleman. Now, he looked upon that question as one of the utmost importance, and for two reasons. The first was the consideration of the property element, as a man would naturally work harder on his own property than he would on anyone else's. The second was the political situation. That Land Bill would still leave 30 tenants to one landlord; and he thought anyone who knew anything about the question would say that those 30 tenants, supposing household suffrage was conceded, would always be striking against the landlord's interest. They were obliged to face that situation in Ireland. Of course, anything established by centuries of usage and property must be respected. But a great debt was owing by England to Ireland. For 100 years England had prevented the free sale of land. They had placed the property of the country in a few hands, and maybe they had placed the political power in the hands of the many, and consequently they had the many arrayed against the few. Whatever Land Bill they brought in, they would still have agitation between landlord and tenant. The only way to prevent that was by increasing the number of tenants. The present disproportion between landlords and tenants was too great; and he contended that the whole object of the Government ought to be to see how they could increase the number of small proprietors in Ireland.

Now, the difference between four-fifths and three-fourths would bring, at least, purchasers in the proportion of five to four, and perhaps much more. He believed that it was a well-known fact that if they sold an article for 1s. instead of 2s., they sold a double number of them. If they raised the advance, he believed the purchasers would be increased likewise in the proportion of three to two. He entirely repudiated, though on different grounds from the hon. Member for the City of Cork (Mr. Parnell), the idea that the Irish people would come to beg for English money. His reason was that every year about £3,000,000 of Irish money went into the English Exchequer, and were devoted to Imperial purposes that were almost totally disconnected with Ireland. The maximum sum that they could pledge would be nothing like what Ireland sent to England—would, in fact, be a very small proportion of it. He thought it might amount to £3,000,000, or only one year's amount of the surplus brought over from Ireland to England. In that state of circumstances, he denied that they were begging for English money.

Mr. T. P. O'CONNOR said, he fully agreed with one of the observations of the Prime Minister—that that was a question which affected the British taxpayer. He was willing to consider the merit of the British taxpayer and his Representative in that House by the attitude they took up upon that point. He had been very much amused by, he would not say the Pharisaical, self-complacency with which Englishmen, and especially Members of that House, had congratulated themselves and lifted their hands in admiration of their own generosity, because they were engaged in passing a Bill like that for the benefit of the Irish people. But in examining the causes and motives of that attitude, he was bound to come to the conclusion that if the Liberal side of the House was dealing generously with the Irish tenant on the question of the relation between landlord and tenant, they were dealing generously not with their own property or supposed rights, but with the property and supposed rights of other people. They were now dealing, not with the property of Irish landlords, which, of course, was dearer to English Liberal Members than their own property or lives, but they were dealing

with an amount of money which Irishmen, out of their own pockets, were willing to pay in their desire for justice. His hon. Friend the Member for the City of Cork (Mr. Parnell) had drawn a very effective contrast between the attitude of the English Government towards Ireland and the attitude of Native Governments towards their own country. His hon. Friend mentioned the case of the Russian Government, which to all Liberal Englishmen seemed simply barbarous, antique, and tyrannical. But he asked the Government to imitate the generosity of Russia towards its subjects. He was reminded by some of his hon. Friends round him that it was unnecessary to recommend the example of the Russian Government to the present Ministry, because they had given to the Ignatieffs and other high authorities of Russia the sincere flattery of imitation in some of their worst coercive measures. As they had been such humble admirers and followers of the coercive side of Russian policy, might he also suggest to them that they should take the step of imitating the benevolent proceedings of the Czar? Now, one point which had been raised by the Prime Minister was his duty as the custodian and holder of the public purse. Well, he believed that there was nothing less secret than the deliberations of Cabinet Ministers; and he ventured to think that the attitude of the Prime Minister with regard to that question was more than a confirmation of the very common rumour that the right hon. Gentleman himself was the main obstacle to that portion of the Bill being conceived in anything like a generous spirit. He did not see the right hon. Gentleman the Chancellor of the Duchy of Lancaster in his place; but they all would remember that famous speech in which he declared that force was no remedy, a speech which he dared say the right hon. Gentleman did not too willingly remember at that moment. But, in the same speech, the right hon. Gentleman made the observation—

“Why should we quarrel about figures when the question is that of reconciling the Irish people and doing justice by them? Supposing it takes £5,000,000 or £10,000,000, or even £20,000,000, why should we hesitate about spending that money when we have not hesitated to spend £20,000,000 in an unjust and an unnecessary war with Afghanistan?”

Where were the £20,000,000 now? They

had gone to some limbo of departed convictions such as "force is no remedy." He wished to point to the evidence given on this question by W. L. Bernard, whom, he thought, was one of the gentlemen employed in the Ecclesiastical Commissioners Office. This gentleman had said that he should be in favour of a discretion being given to the Board of Administration to allow the whole of the purchase money to be acquired on mortgage. This gentleman, who for 10 years had been engaged in this very matter of establishing a peasant proprietary, brought forward his high authority in support of the view that it was desirable in some cases to give the whole purchase money to the tenant. His hon. Friend (Mr. Parnell) had alluded to the case of Prince Edward's Island. Well, he (Mr. O'Connor) had examined one of the Acts—that of 1853—regarding the change of proprietors, and he had found that 20 per cent, or one-fifth only, was demanded; and accordingly, so far as precedents were concerned, even in the British Dominions themselves, they were in favour of a larger proportion of money being granted to the tenants. Finally, he would impress this on the Committee—that this clause, if properly amended, would be more effective in establishing just and harmonious relations between landlord and tenant than the vast complicated machinery of the previous part of the Bill. They had conceded power to the Commissioners to purchase the land and give it to the tenant. The Commissioners might purchase a piece of land, and give it to a tenant on one side of a ditch, and that holding would cease to be rented in a certain time by the payment of a certain amount of money. Did they think the tenant on the other side of the ditch would remain one minute longer than he could help it a tenant in place of a lord of the soil? The result of this Amendment would be that the landlord who wished to retain his territorial power and his friendly relations with the tenant would treat the tenant properly, because he would know that the moment he became anything like an oppressive landlord the tenant would have the right to go to the Court and force him out of his possession. The indirect effect of the clause would be to establish tenant right more effectually than any previous portion of the Bill. He quite agreed that this was a point

the Irish Members ought to fight with a certain amount of determination, and he was willing to go to as many divisions as necessary.

MR. A. M. SULLIVAN said, that, of course, the Committee were anxious to get through with the Business; but if there was any truth in the assertion made on the part of the Government—as there was—that this, the peasant proprietary portion of the measure, was the portion of it of the greatest magnitude, in their conception the main object up to which all the other lines of this measure were to lead, he appealed to the Committee to give a patient hearing to the Irish Members whilst they made not speeches, but a few brief observations on this point. What he had to say was this. They had heard the speech—a speech of marked ability, though characterized by his usual combativeness—of the hon. Member for Galway City (Mr. T. P. O'Connor) who acted upon their national motto by wherever he saw a head hitting it. In the argumentative part of the hon. Member's speech he agreed; but he did not share the hon. Member's view as to the motive which he seemed to think animated the Government in resisting the Irish Members in this matter. He had no doubt that the Government sincerely believed that they were extending to Ireland in these Purchase Clauses a generous boon, and he should presently show how far he agreed with the hon. Member in this matter; but it would have been a noble act on the part of Abraham Lincoln, and a splendid deed upon which his memory might have rested, if, instead of emancipating the American slaves at a stroke of the pen, he had granted emancipation to all who might be born 50 years after his time. It would have been a splendid deed in the days of Wilberforce if the same course had been adopted with regard to the slaves of the West Indies. It was, no doubt, a generous deed on the part of Her Majesty's Government to propose to assist the Irish peasants to purchase their holdings. It would have been even a generous deed to advance half the amount, it would have been more generous to advance two-thirds, and still more so to advance three-fourths; but what did they ask of Her Majesty's Government? They asked the Government to dare to be bold, and to be generous, and to be wise. The Go-

vernment of the day had acted upon the principle which was moving Her Majesty's Ministers when they emancipated the British slaves. The House of Commons of to-day conceived it to be wisdom to half or three-quarters to do a generous deed. They thought they had accomplished some great statesmanship by taking a piece out of a generous deed, just as at first did the Parliament in the time of Wilberforce. But they had to follow up the first attempt with a completing effort, and in the same way Her Majesty's Government now seemed disposed to make two bites at the cherry. Their measure of apprenticeship had been a mistake, and they simply asked the Government now to make a concession which would clearly and completely enable the peasants of Ireland to become proprietors of their holdings. There could be no doubt that the mass of the English Members who were listening to him now regarded this question in their own minds as a vote of public money to Ireland. If it were, he entirely sympathized with their resistance. If it was said that the Irish Members were asking for a vote of public money, his reply was that they wanted no gift, and that he, for one, disclaimed the idea of asking for it. If they were not able to give any commercial security for this money he, for one, said they would have no mere almonizing aid from the House of Commons for their country. If, however, there were a margin of commercial security sufficient to warrant Parliament and the Ministry in making the advance asked for, why did they hesitate? What did the records of the House say as regarded advances to Ireland; and what had Parliament lost? ["Hear, hear!"] He rejoiced than an hon. Member cheered that question. He knew what was in his mind, and the hon. Member would see that he (Mr. Sullivan) had it in his. Out of the public taxes millions had been voted to Ireland, which had had subsequently to be wiped out. [An hon. MEMBER: So there have been to England.] An hon. Friend reminded him that so there had been for England; but he would deal with the Irish case. Their Votes of millions of money to the propertied and landed classes of Ireland had been wiped out. Take the Fishery Commissioners, who had had to deal with the industrial classes of Ireland. Look at the Blue Book Reports of the re-payments made

to the Commissioners. Look, again, at the records of the Church Temporalities Commissioners, and he would ask how far had they met with repudiation from the tenant farmers of Ireland? Though they had wiped away millions advanced to the Irish landlords—and he was sure they had had a good case for the remission—they had never had to confront repudiation on the part of the masses of the people of Ireland. He did not wish to interfere with the argument of his hon. Friend; but he disassociated himself entirely from the charge that the Government mistrusted the people on this occasion. They merely had not the courage to go the full length that their convictions would carry them. They were afraid of the *doctrinaires* who sat behind them. There was nothing so popular in the House as to sneer at the unanimity of the Irish Members when they desired to have a pull at the public purse. It was one of those jokes which a Member even as dull as himself might always rely upon securing a laugh and a cheer from the House with, if attention were at all flagging from the subject under debate. But he put it beside him, and said that this was no application to their public purse. He had as strong views as even the Prime Minister himself as to the demoralization caused in Ireland by grants of public money, unless granted on sound principles. This question of the difference between three-fourths and four-fifths was no matter for the Government to stand upon, was no matter upon which to resist the Irish Members, Conservatives and Home Rulers alike. They ought to rejoice to see some sympathy between the Irish landlords that remained to them and the Irish tenants, and should be prepared to give way when they saw the Irish Members, irrespective of the quarter of the House in which they sat, combining, as at present, for one purpose.

Question put.

The Committee divided:—Ayes 247; Noes 78: Majority 169.—(Div. List, No. 294.)

MAJOR NOLAN said, he wished to move an Amendment which was not on the Notice Paper, the object of which was to draw a distinction between residential tenants and grazing tenants. The Government, he thought, should give

*Mr. A. M. Sullivan*

more to the residential than to the grazing tenant.

Amendment proposed,

In page 12, line 31, after the word "three-fourths," insert the words "except in the case of a residential tenant, when they may advance four-fifths."—(*Major Nolan.*)

Question proposed, "That those words be there inserted."

LORD RANDOLPH CHURCHILL wished to know whether, after the vote they had just taken, this Amendment was in Order?

THE CHAIRMAN: Really, so many Amendments have been handed to me in this way that I have not had time to consider whether they are in Order or not.

LORD RANDOLPH CHURCHILL said, the Committee had just decided that the Commission might advance to the tenant for the purposes of the purchase "any sum not exceeding three-fourths of the said principal sum." Now, the hon. and gallant Member proposed that in certain cases the Commission might advance four-fifths. This could hardly be in Order, as the Committee had fixed a sum to apply to the whole range of purchases. ["No, no!"] Yes; it appeared so to him.

MAJOR NOLAN said, his was not an artificial exception. It was a clear and tangible exception, recognized in many Bills, and, in particular, recognized by the Prime Minister, who had brought in this measure, because he practically excepted all grazing farms. He was following up the principle of the Bill in this proposal, although his exception was much less in degree than that made in the measure.

THE CHAIRMAN: If residential tenants are distinct from ordinary tenants the Amendment will be in Order.

MR. GLADSTONE: As a matter of fact, out of every 100 tenants in Ireland 99 are residential. ["No!"] I think I am within the mark in saying that. There can be no doubt at all about the fact that the great mass of the tenants are residential. We have spent the whole evening in debating, as we thought, the case of the whole mass of the tenants—of 99 out of 100—and have come to a decision of three to one in favour of the proposal of the Government; and now the hon. and gallant

Member asks that we should re-discuss the question, as it affects 1 per cent, with a view to accepting the opinion of the minority. I need not say that the Government, having been reluctantly compelled to accept the Amendment made a short time ago in so becoming a manner, cannot accept the present proposal.

MR. A. M. SULLIVAN said, that no doubt the Government had opposed them on the last division; but he had absolute information to the effect that they had done so through a want of acquaintance with the official facts. Evidently the Government had not studied the document which had been received that morning. He would tell the Committee what he referred to. The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright), who was incapable of—

LORD RANDOLPH CHURCHILL said, he rose to Order. Had it been decided whether the Amendment could be moved or not?

THE CHAIRMAN: As I stated, if residential tenants are an exception to ordinary tenants the Amendment can be moved.

MR. A. M. SULLIVAN said, he was saying that the Chancellor of the Duchy of Lancaster, who was incapable of intentionally misleading the Committee, or anyone else, made a serious statement, a while ago, which greatly influenced the Committee, and which, unknown to the right hon. Gentleman, was totally devoid of foundation. He stated that the failure of the Church Temporalities advances could in no case be attributed to the advances being only three-fourths. The right hon. Member was not aware, when he made that statement, that there was issued this morning, or yesterday, a Report of Messrs. Baldwin and Robertson, in which it was said that in one district 11 out of 18 failures in the advances offered out of the Church Temporalities Fund were due to the terms on which the remaining one-fourth had to be borrowed.

MR. GLADSTONE: I have the Report in question in my hand.

MAJOR NOLAN said, the distinction he proposed was not a flimsy one, and, in proof of this, it was sufficient to say that from Ballinasloe to Galway nine-tenths of the land they saw along the railway was in the hands of non-resi-

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dential tenants. The same, perhaps, could not be said of other parts of Ireland. For several years he had brought in a Bill especially and essentially founded on a distinction between residential and non-residential tenants, and, having brought in such a Bill, he was entitled to move such an Amendment as this.

MR. O'DONNELL said, the Prime Minister had spoken deprecatingly of the Committee being asked to accept the opinion of the minority. Well, the Irish Members were in a minority in that House; but it so happened that a vast majority of the Irish Members voted in favour of the grant of four-fifths; and he was quite sure it was by a slip that the Prime Minister made the statement, because if he wished the Committee not to attend to the practically unanimous voice of a section of the Members for the reason that they were in a minority, there was an argument involved which could be used in regard to a great deal of the Bill. He hoped the Committee would do a little violence to its former conviction and vote in favour of the four-fifths' advance. They ought to try to encourage the residential class of Irish tenants; and he was sure that nothing would be more popular than the acceptance of this Amendment.

MAJOR O'BEIRNE said, this was the clause to which the great majority of the Irish people looked for a solution of the Land Question of Ireland. It was of vital importance to the Irish tenants, and also to the landlords, that the question should be settled on a proper and wise basis. The best way to pacify the Irish people and to render England and Ireland really united was to confer perpetuity of tenure on the Irish tenants, giving them an interest in the peace and prosperity of the country. ["Divide!"] He was astonished that the Committee were not in a better humour, and he would remind them that they were a long way from the actual passing of Clause 19. He would suggest to the Committee that the best way to forward the interests of these people, which they all professed to have in view, was to listen to the opinions of Irish Members, on this clause especially. There were no Irish Representatives who would allow the measure to be proceeded with without making a protest

*Major Nolan*

against the purchases to take place under the clause. The best guarantee of a man's loyalty was to give him a stake in his country.

MR. LITTON said, he thought the Committee had discussed the main features of the clause sufficiently, and that it should be guided by the decision already arrived at.

MR. BRODRICK said, he was sure it was the feeling of the Committee that the discussion should not be further prolonged; but some facts had been mentioned which seemed to him to be of a very striking description, and he should like to know whether they were borne out by statistics. He had glanced over Messrs. Baldwin and Robertson's Report, and it certainly did not appear to him that the advances in connection with the Church Temporalities Fund were due to the difficulty that had been experienced in borrowing the remaining one-fourth. He hoped the right hon. Gentleman the Prime Minister would be able to give some satisfactory answer on this point.

MR. GLADSTONE: I was astonished when I heard the statement of the hon. and learned Member for Meath (Mr. A. M. Sullivan), because I had been reading the statement of Professor Baldwin and his coadjutor, Mr. Robertson. He said that the terms on which the advances had been made by the Church Temporalities Commissioners had been the main cause of the failure of those advances.

MR. A. M. SULLIVAN said, the right hon. Gentleman had misunderstood him, and that nothing was further from his intention than to make such a statement as that. What he had said was that it was stated that in one district 11 out of 18 failures in the advances were due to the terms on which the remaining one-fourth had to be borrowed.

MR. GLADSTONE: I must say that I have been totally unable to collect any such statement from the Paper before me; but, of course, it is very difficult to refer to a document like this for such facts at a moment's notice. The manner in which the money has been borrowed is only occasionally referred to.

MR. MITCHELL HENRY said, that as he had sat on the Committee in question he was able to say what really was the evidence given. The evidence was to this effect—that the tenants were so

anxious to purchase that several of them who had very little means sold all they had—cows and everything—to make up the remainder of the purchase money; and the conclusion to be derived from that was not that the offer of three-fourths was not a sufficient inducement to those who ought to purchase, but that tenants who had not some backbone of their own should not be encouraged to purchase. Further than that, it was pointed out that one of the chief causes of the difficulties of these tenants was the large amount of legal costs which the tenants had to pay to the solicitors. ["Divide!"] He must request the Chairman to call to Order the noble Lord the Member for Woodstock (Lord Randolph Churchill), who was interrupting him. The noble Lord, if he wished, could address the Committee when he had finished. It must be recollected that in this Bill the legal costs had been reduced to a minimum. The legal work was to be done for almost nothing; therefore, one of the greatest obstacles in the way of small tenants purchasing their holdings would be done away with.

THE CHAIRMAN: I must say that the discussion is getting very wide of the Amendment. The Question before the Committee has reference to residential holdings.

MR. GIVAN agreed with the Chairman that the discussion had got rather wide of the mark. He was convinced that the Government was making a gross mistake in not advancing something more, or making some concession to the Irish people in regard to this matter. What had shaken him in his belief more than anything else, however, had been the action of some hon. Members who voted with them in the last division. When he saw certain noble Lords and hon. Gentlemen coming through the door of the Lobby he could not help feeling *Timeo Dandus*. That, however, had not shaken his faith in this, that the only way to create a peasant proprietary in Ireland would be to advance them not three-fourths, but such sum as the Land Commission might declare to be necessary. Whilst he agreed that there had been certain valid objections to his own Amendment, he could not see that they applied to the Amendment of the hon. and gallant Gentleman the Member for Galway (Major Nolan).

Question put.

The Committee *divided*:—Ayes 66; Noes 248: Majority 182.—(Div. List, No. 295.)

THE CHAIRMAN: The next Amendment which stands on the Paper cannot be put, for the sale is made by the landlord to the tenant for a principal sum, and the landlord can only sell his own interest in the property and cannot sell the tenant's interest in the holding. Under these circumstances, the Amendment is inconsistent with the clause, and cannot be put.

MR. GREER moved an Amendment, in page 12, line 36, to leave out the word "one-half," in order to insert the word "three-fourths." The sub-section would then run thus—

"Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee-farm rent, the Land Commission may advance to the tenant for the purposes of such purchase, any sum not exceeding *three-fourths* of the fine payable to the landlord."

He hoped the Government would accept that Amendment.

Amendment proposed, in page 12, line 36, to leave out the word "one-half," in order to insert the word "three-fourths."—(*Mr. Greer*,)—instead thereof.

Question proposed, "That the word 'one-half' stand part of the Clause."

MR. GLADSTONE: I cannot agree to this Amendment. The point is whether we are justified in adopting any advances at all for such a purpose as this, when the fee-farm rent may form a very large proportion of the net product. These advances are most exceptional, and we only undertook them on consideration of the high policy of encouraging that which is to create a proprietary body. Although we have determined on proposing to make advances of this kind, I am sure the Committee would never agree to make the advance to them to the same extent as to those who can make a complete purchase. We have determined to make an advance of three-fourths for a complete purchase; but we cannot give so much to those who can only enter into a partnership transaction.

MR. O'DONNELL said, the great object was to have as much security as

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possible. Where an absolute proprietorship could not be obtained, the creation of a fee-farm ought to be very much encouraged by that House; but he could not but think they were rather committing a mistake in tying the hands of the Court beforehand. If the Court was to be a really responsible body, able to deal with the matter, it would be better to leave them to decide to what extent they would give a grant of public money. Judging from Mr. Baldwin's analysis of the cases in his Report, the most fertile cause of failure in the sales was due to the terms under which those sales had to be made. If the amount of assistance to be given to tenants who purchased fee-farms was to be too limited, those tenants would only be driven as other tenants had been driven to the village usurer—the "gombeen" man and the local solicitor—for advances to make up the amount. If it was a fair case for giving assistance, why not let the competent authorities on the spot decide to what extent the assistance should be given? If they thought only one-fourth should be advanced, let them advance only that sum. If they thought it should be one-half, let them give one-half. If they thought it should be three-fourths, why not allow them to recommend a grant of three-fourths? Holding this view, he was inclined to support the Amendment very strongly.

LORD GEORGE HAMILTON said, he thought there was an obvious flaw in the second part of the clause. He quite admitted the force of the Prime Minister's argument; but, as the clause now stood, there was very little security for the repayment of that portion of the amount which was advanced by the State. In order to make the clause symmetrical, the right hon. Gentleman had taken the same proportion as in transactions of an entirely different character. Where a tenant bought his holding, three-fourths of the money might be advanced by the State, and that proposal was intelligible enough; but the next was that in certain cases, where the tenant might be paying a fine and getting the farm at a perpetual fee-farm rent, the State should pay one-half the fine, the understanding being that the fee-farm rent should not exceed 75 per cent of the rent that a solvent tenant would pay. But the tenant might hold a very highly-rented farm,

and the landlord might say—"If you like to buy you can; I will reduce it by 25 per cent." He (Lord George Hamilton) intended to propose an Amendment later on, which would provide that there should always be a considerable margin as security on which the State could advance a portion of the fine. If the Government would accept his Amendment, he thought they might also accept the Amendment of the hon. Member for Carrickfergus (Mr. Greer), substituting three-fourths for one-half, because the security would be better.

MR. GLADSTONE: The transaction must be approved by the public authority, and that authority must in every case be responsible. I do not see that any cause has yet been shown why we should accept the Amendment. At all events, we could not agree to this form of it.

SIR GEORGE CAMPBELL pointed out that where the fee-farm rent represented 75 per cent of the value of the property, there only remained one quarter of which the State would advance a sum which would make seven-eighths of the whole forestalled and leave the tenant to pay only one-eighth.

MR. BIGGAR said, he thought that in all these cases a very substantial option should be given to the Land Commissioners. It was only in very few and exceptional cases that the option would be reached.

Question put.

The Committee divided:—Ayes 230; Noes 62: Majority 158.—(Div. List, No. 296.)

MR. CHARLES RUSSELL said, he had altered the wording of his Amendment, though not the substance, and its object was one that should receive support from both sides of the House. It was addressed to the clause as it now stood, and contemplated the case of a tenant holding at a fee-farm rent, and having made arrangements with his landlord by which he occupied his holding at a fixed unchangeable rent. In that state of things the landlord was reduced to the position of a mere rent-charger—that was to say, he could not increase the rent, but was simply in the position of an owner of a head rent, which he could not increase or change. The object of his Amendment, then, was, where the rent was so fixed and

unchangeable, to enable the tenant to buy up his head rent at a fair price; and he put the value at the high price of £25 for each £1 rent; or — and this was the main object of the Amendment—where the tenant was not able to do this by buying up by a lump sum, to enable him to do it piecemeal. But, inasmuch as to do so piecemeal might be an inconvenience or an injustice to the landlord, if the sums paid were small, the clause would provide that where the landlord was not willing to accept this piecemeal payment, then the Land Commission might receive the money for the purpose of capitalizing a proportion of the rent until the rent was *pro tanto* extinguished, and the money paid over to the landlord by the Commission in reasonable amounts. The object, it would be seen, was to hold out an inducement to thrifty struggling tenants, and the best incentive to the exercise of care and energy, because if the Amendment were accepted, the tenant would be able to say at the beginning of the year—"If by extra exertion, extra efforts of frugality and self-denial, I am able to save £25, I shall reduce the rent by £1 a-year;" and once he felt this could be done he would begin to do it; and the Committee might rest assured that his efforts would never cease until he, by his payments, became discharged of the rent altogether. This offered a very proper inducement to the tenant to cultivate thrift and self-denial, while it would work no injury, certainly, and, he thought, no inconvenience even to the landlord. He read the Amendment in its slightly altered form. It would be obvious to the Government that it involved a slight loss of interest to the State; but that was so insignificant, and the object was so well-deserving of support, that he hoped the Amendment would be accepted.

#### Amendment proposed,

In page 12, line 37, after "landlord," to insert—"Provided always, That where a tenant is holding at a fee farm rent he may buy up such rent at the rate of twenty-five pounds for each one pound of rent, or at as much less a rate as may be agreed upon between the landlord and tenant; and if the landlord be unwilling to accept such purchase money by instalments, the tenant may pay such instalments to the Land Commission, and the Land Commission shall receive the same and indemnify the tenant from a proportionate part of such rent, and when such payments shall amount to such a sum as the land-

lord may in the opinion of the Land Commission be reasonably called upon to accept, the Land Commission shall pay the same to the landlord, and thereupon the said fee farm rent shall *pro tanto* be extinguished."—(Mr. Charles Russell.)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, each of the Amendments might stand or fall quite apart from the other. In the first place, it was proposed that in the case of a fixed rent the tenant should have the absolute right to redeem that rent by buying out the landlord, certainly at a high rate, considering the average price at which land was sold in Ireland. Here the Committee was asked to adhere to a principle of considerable importance. It was a principle which was nowhere else inserted in the Bill, and he was not sure that it might not be made a precedent for other propositions which his hon. and learned Friend might not be responsible for. He (Mr. Gladstone) would like to consider the matter as a separate proposition, and he must frankly own that his present impression was not favourable to it. He doubted if it was desirable to introduce the principle of compulsory redemption, and it must be a strong reason to justify the Committee in adopting it. The second part of the Amendment was to the effect that where compulsory expropriation was effected the landlord should not be completely at the mercy of the tenant as to the mode of receiving instalments, and that was perfectly right as regarded the landlord; it would be hard upon him that he should be compelled to receive instalments; but then his hon. and learned Friend introduced a provision which it was to be feared would lead to the greatest complexity. It would require that the Land Commission should undertake the functions of a bank, and banking in the most minute detail, and that would be a great burden to impose upon a Commission not appointed for the purpose, and not acquainted with the management of a bank and the investment of small sums of cash. And the greatest objection was that there were all over the country institutions admirably suited for the purpose, the Post Office Savings Banks. The tenant whose savings were small had nothing to do but deposit them down to 1s. at a time in the Post Office Bank. There he would receive such interest as the State

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paid, and though that was little, it was as much as any such institution could pay, and when it reached a sum he could ask the landlord to take, he could take the money out of the bank. He was not quite certain, either, whether this was not a proposition that left it entirely with the Committee to authorize the Land Commission to become a bank, receive money, and pay interest. He had great doubt indeed whether it was within the Committee's power to adopt the clause. But, in any case, no purpose would be served even if after a great deal of labour and care a new branch of business was developed when there was no benefit to accrue, seeing that there was no place in Ireland that had not a Post Office Bank within a distance of five miles, or at most 10 miles in the most remote districts.

MR. ERRINGTON said, he regarded the Amendment as of much importance, and he was sorry to hear that the Prime Minister did not receive it favourably. A few nights before he proposed a similar Amendment to Clause 11, and he then understood the right hon. Gentleman to be in favour of the principle itself; but he (Mr. Errington) did not then wish to press the Amendment, because he understood that the power to carry it out was virtually contained in the Bill as it stood. He could only say that he had heard from many quarters in Ireland, and from persons of much experience on the subject, that there was hardly anything more important in regard to increasing the number of peasant proprietors than the opportunity afforded to tenants, at frequent periods, of placing their capital in the land in small sums. The hon. and learned Member for Dundalk proposed the most important machinery for carrying this out. He did not understand that the proposition was that the Commission should undertake all the detailed work of the Post Office Bank; but it merely would empower the Commission, if necessary, to make use of the Post Office Bank as a means of receiving the money of the tenant, so that, by a process of fining down of the rent, the purchase of the holding by the tenant might be facilitated. He hoped the Prime Minister would carefully consider the principle involved, and he could assure him that persons who had the greatest interest and the desire to see

tenants obtain a good, material, strong, and powerful interest in the land, saw that this was one of the most important means of carrying it out.

MR. CHARLES RUSSELL said, he was afraid his proposal had not received so much encouragement as would justify him in going to a division, and he was not insensible to some of the practical difficulties which the Prime Minister had pointed out. But he did think it was worthy of consideration. He begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### POOR RELIEF AND AUDIT OF ACCOUNTS (SCOTLAND) BILL.—[BILL 182.]

(*The Lord Advocate, Mr. Solicitor General for Scotland.*)

#### SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE (Mr. J. M'LAREN) moved that the Bill be read a second time, with the view of submitting it to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

MR. DICK-PEDDIE said, that he had no wish to oppose the Motion; but he must express his opinion that it was not right that a Bill of this importance should be brought on for second reading at 1 o'clock in the morning. He knew that the Lord Advocate was not to blame for the Bill being brought on at that time; but, at the same time, it was not satisfactory to the people of Scotland that a Bill of this kind, affecting seriously the administration of the Poor Law in that country, should pass the second reading at an hour when discussion was impossible. It was right, however, to say to his right hon. and learned Friend the Lord Advocate, who had charge of the Bill, that there were provisions in it which would receive strong objections if not amended. There were several provisions which would give general satisfaction, especially those which applied to Scotland the provisions of the Act of 1879, with regard to lunatic paupers, who were entitled to hold property through their connection with Friendly Societies, and which, to a cer-

*Mr. Gladstone*

tain extent, did away with the right to cede to Parochial Boards, in virtue of proprietorship. But in order that the Bill should receive the general approval of the people of Scotland, it would be necessary still further to do away with that privilege; and, for his part, he did not see why Parochial Boards should not be on the same footing as Municipal Bodies and School Boards, and be composed of persons entirely elected by the ratepayers. As he had already said, he would not oppose the second reading; but he thought it right that that stage should not be passed without an intimation on the part of some Scotch Member that considerable changes would have to be made in it.

MR. HEALY said, he thought a Bill of this kind should not be read a second time without a word of discussion. He knew nothing about the measure; but in Ireland there were grievances as to poor relief and the way in which grants were made, and the only way of bringing them forward was on English and Scotch Bills.

MR. ARTHUR O'CONNOR said, as his hon. Friend had been disregarded by the Treasury Bench, and treated with discourtesy which was not common in the House, he should move the adjournment of the debate.

[The Motion, not being seconded, could not be put.]

DR. CAMERON explained that it was only proposed to read the Bill a second time in order to refer it to a Select Committee, by which it could be gone into.

*Motion agreed to.*

Bill read a second time, and committed to a Select Committee.

And, on July 12, Committee nominated as follows:—MR. ANDERSON, MR. ANDREW GRANT, MR. J. HAMILTON, MR. M'LAGAN, MR. HENDERSON, MR. BOLTON, MR. MATHESON, MR. MELDON, MR. HIBBERT, MR. ORR EWING, MR. COCHRANE-PATRICK, MR. DALRYMPLE, MR. JAMES CAMPBELL, Admiral Sir JOHN HAY, MR. LODGE, Colonel ALEXANDER, MR. HEALY, Lord ELCHO, and the LORD ADVOCATE:—Five to be the quorum.

And, on July 19, Sir EDWARD COLEBROOKE and MR. ARTHUR BALFOUR added.

House adjourned at One o'clock.

## HOUSE OF LORDS,

*Friday, 8th July, 1881.*

MINUTES.]—PUBLIC BILLS—*First Reading*—*Alsager Chapel (Marriages)* \* (153).

*Committee*—*Report*—Incumbents of Benefices Loans Extension \* (136); Statute Law Revision and Civil Procedure \* (140).

*Report*—Elementary Education Provisional Order Confirmation (London) \* (68); Tramways Orders Confirmation (No. 1) \* (125); Tramways Orders Confirmation (No. 3) \* (135); Pier and Harbour Orders Confirmation \* (122).

*Third Reading*—Court of Bankruptcy (Ireland) (Officers and Clerks) \* (133), and *passed*.

## PRECOGNITIONS (SCOTLAND).

### MOTION FOR RETURNS.

THE EARL OF MINTO, in moving for Returns upon this subject, apprehended that the Government would have no objection in granting what he desired; but the question in the latter part of the Motion involved a proposal entirely novel, and one to which there might be a little objection. He submitted, however, that it was only right and reasonable that when it was known that investigations into cases of death under suspicious or unknown circumstances were being made, the results should be communicated to the public. The way in which he proposed this should be effected was, that the procurator fiscal should communicate the information to the Clerk of the Commissioners of Supply, and the reason why he selected that official was that he was the clerk of the representative body of the proprietors, who were responsible for the expenses of the county. Therefore, he thought the Clerk of Supply was the proper officer to whom this information should be given. He hoped the Government would agree with his proposal. The noble Earl concluded by asking Her Majesty's Government whether they are disposed to give instructions that a Return of the number of cases of sudden death or of death under suspicious or unknown circumstances which have been the subject of precognition by procurators fiscal in each county in Scotland should be com-

municated monthly to the Clerk of Supply of each such county, with a statement of the result of the inquiry in each case, and specifying the cases in which the investigations were from the first connected with charges of murder, culpable homicide, &c. ?

*Moved for,*

1. Return from each county in Scotland of the number of cases of sudden death or of death under suspicious or unknown circumstances which have been the subject of precognition by procurators fiscal in each of the years 1879 and 1880; specifying the number of such cases as have been the subject of criminal trials: Such Returns not to include cases in which the investigations were from the first connected with charges of murder, culpable homicide, &c. :

2. Similar Return from each county in Scotland of the cases in which the investigations were from the first connected with charges of murder, culpable homicide, &c.—(*The Earl of Minto.*)

THE EARL OF DALHOUSIE, in reply, had to say, on behalf of the Government, that there was no objection whatever to grant the Returns which had been moved for by the noble Earl. As to the Question with which the noble Earl had concluded, the Government would endeavour to give such instructions as would have the effect of attaining the object which the noble Earl had in view. The instructions at present to the procurators fiscal were that communications between parties in suspected cases should be regarded as strictly confidential, and also that the criminal investigation at the instance of the Crown should also, in a strict sense, be private and confidential, but in practice, when, in the course of inquiry, the procurator fiscal was asked by parties outside to give information, he then communicated with the Crown Agent, who consulted the Advocate Depute as to the advisability of his doing so. The Secretary of State for the Home Department would give such instructions as would meet the noble Earl's views.

THE EARL OF MINTO: May I ask to whom the information will be given ?

THE EARL OF DALHOUSIE: The information will, of course, be in the hands of the fiscal, who will give it, if so advised by the Advocate Depute, to the party who asks for it.

*Motion agreed to.*

Returns ordered to be laid before the House.

*The Earl of Minto*

# CLAIMS OF PEERAGE, &c.

## MOTION FOR A SELECT COMMITTEE.

THE EARL OF AIRLIE, in rising to move—

“That a Select Committee be appointed to inquire into the present state of the law as to claims and assumptions of titles of peerage in the United Kingdom and in Scotland and Ireland respectively, and the means of proving and establishing the same; and as to the proceedings and claims to vote at elections of Representative Peers of Scotland and Ireland respectively; and as to the position and order of precedence of Scotch peerages upon the Roll called the Union Roll and in the Decree of Ranking of 1606; and whether it is desirable that the present state of law or practice as to any of the matters aforesaid should be amended: And also to inquire into the present procedure and practice of this House in its Committee of Privileges, and whether such procedure and practice can be amended so as to diminish the delay and expense incident to the determination of claims of peerage and claims to vote at elections of Representative Peers of Scotland and Ireland respectively;”

said, the subject with which his Motion dealt was one in which their Lordships took a deep interest; but it did not call upon them to express any opinion whatever on the merits of the question, but only to pronounce that an inquiry was desirable in this matter. With regard to the first part of the Motion, he would point out that, under the present state of the law, the course adopted by a claimant to a title or Peerage was this—He presented a Petition to the Crown, that Petition was referred to their Lordships' House, the Lord Chancellor investigated the case, and, if he thought that everything was satisfactory, he reported to the House that the noble Lord had made out his title. If the Lord Chancellor was not satisfied, the case then went before the Committee of Privileges. In Ireland, for a considerable time, every Peer who wanted to prove his title was obliged to come before a Committee of Privileges, a very tedious and, in some cases, a very expensive process; but in 1857, by a Resolution of their Lordships' House, the course adopted with regard to Irish Peers' claims and votes was assimilated to that which took place in the case of English Peers. In Scotland, however, the Peer was not called upon to prove his title, as in the case of English and Irish Peers; and, as a consequence of this, it sometimes happened that persons presented themselves at the election of Scotch Re-

presentative Peers, and claimed to vote, whom, perhaps, very few people ever heard of before, and it was nobody's business in particular to object. Individual Peers might object, and generally did object; but the result only was that the elections were sometimes characterized by scenes that were not very dignified. He thought it might be desirable to inquire whether, in this respect, it might not be well to assimilate the usage with regard to Peers claiming to vote in the Scottish Peerage, and to put them on the same footing as persons claiming Irish and English Peerages. Well, then, the Committee which he asked their Lordships to grant was to inquire as to the position and order of precedence of Scotch Peerages upon the Roll called the Union Roll, and in the Decree of Ranking of 1606. Well, he saw the noble Lord (Lord Balfour of Burleigh) objected to that part of the inquiry, and had placed a Notice on the Paper that the words be left out; but he confessed that he did not see how they were to go into an inquiry of this nature, leaving out, at the same time, all reference to two very important documents which, after all, were the basis of the claim of precedence of the Scotch Peers. To the next part of his Motion, whether it was desirable that the present state of that law should be amended, he thought it was generally admitted that some inconvenience had arisen from the present state of the law of Scotland, and that these inconveniences had been very generally recognized. He thought that was apparent from the fact that at various times Committees had been appointed to investigate this subject, and their Lordships had at various times passed Resolutions with the view of altering or improving the state of things as regards the method of establishing Scotch Peerages. In 1832, in 1847, in 1869, and in 1874 Committees were appointed to inquire into the various branches of this whole question. The Committee of 1874, of which his noble Friend (the Earl of Rosebery) was Chairman, was rather wider in its scope than that which he asked to be appointed, because they went into the political question, which he hoped this Committee would not have anything to do with. They recommended that all Scotch Peers should be called up to their Lordships' House, and that the

Roll should be as in Ireland—a Roll of individuals, and not Peerages. He did not think that any of the recommendations of that Committee had been acted upon except one, which was, that a Petition should be presented to the Crown, praying Her Majesty to create no more Irish Peers. He had pointed out some matters in which, more particularly as regarded the election of Scotch Peers, this Committee must inquire; but perhaps the last paragraph in the Motion was the most important. He believed there was no doubt that very great delays took place before their Lordships were able to give judgment; and he thought it would be well to consider whether some means might not be adopted by which these delays would be obviated. It was not always possible to obtain the services of noble and learned Lords for Committees of Privilege when they were very much engaged at the time. It was very difficult indeed, sometimes, to get lay Lords to sit in sufficient numbers to form a quorum. He was not surprised at this, because lay Lords had no voice in the decision of the tribunal. They had to listen to long, abstruse, and highly technical legal arguments, which they were often not capable of following; and, in fact, as far as the lawyers were concerned, it did appear to him that the whole thing, not to speak disrespectfully, was a solemn farce. He served once upon one of those Committees, and although he was not desirous of shirking any work that might be useful, still he could not see any advantage of sitting the whole day long, listening to speeches which it was utterly impossible, from the want of legal knowledge, to understand. He thought, therefore, it was very well worth considering whether some modification might not be made in the constitution of the tribunal, so as to insure some approach to expedition in its proceedings. Then the expense was very great; indeed, he was told that Lord Balcarres, in the process to establish his title, had to spend upwards of £20,000; and he understood in the case of the Duke of Montrose, who did not succeed in establishing his claim, the trial cost him much more. It would, he submitted, be very desirable to obviate the great delay and expense attending upon cases of this kind.



*Moved*, that a Select Committee be appointed to inquire into the present state of the law as to claims and assumptions of titles of peerage in the United Kingdom and in Scotland and Ireland respectively, and the means of proving and establishing the same; and as to the proceedings and claims to vote at elections of Representative Peers of Scotland and Ireland respectively; and as to the position and order of precedence of Scotch peerages upon the Roll called the Union Roll, and in the Decree of Ranking of 1606; and whether it is desirable that the present state of law or practice as to any of the matters aforesaid should be amended: And also to inquire into the present procedure and practice of this House in its Committee of Privileges; and whether such procedure and practice can be amended so as to diminish the delay and expense incident to the determination of claims of peerage and claims to vote at elections of Representative Peers of Scotland and Ireland respectively.—  
(*The Earl of Airlie*.)

LORD BALFOUR OF BURLEIGH,  
in rising to move the omission of the words—

“And as to the position and order of precedence of Scotch Peerages upon the Roll called the Union Roll and in the Decree of Ranking of 1606,”

said, that before moving his Amendment, he wished to say a few words on that part of the Motion which he did not oppose. He did not object to it, but he did not think that any case had been made out for going into the whole of the inquiry suggested by the noble Earl. At the same time, he would not urge the point upon the House, provided the higher legal authorities in the House were willing that such an inquiry as this should be undertaken. He thought the inquiry was not required, because the state of the law as to claim and assumption to title in the Peerage of Scotland was perfectly well known. The numerous Committees that had sat upon this question had thoroughly established to the satisfaction of everybody what the state of the law was. This question was, he believed, fully discussed before a Committee of the House so long ago as 1832; and the Committee issued a Report recommending, among other things, that the claimants to Scotch Peerages, and persons claiming to vote in Scotch Peerages, under which no vote had been recorded since 1801, should not be allowed to vote without first going before the Committee of Privileges. They also recommended that in all cases when claims were made for Peerages, on succession by collaterals, except brothers of the last noble, a cer-

tificate should be issued by the Lord Chancellor in the same way as for Irish Peerages. The first of those two recommendations was not acted upon till 1847, the other had not been acted upon at all. The Act of 1847 provided also that whenever any Peer or Peeress should have established his or her right to any Peerage, or the right to vote in respect of any Peerage, and the same should have voted at any election of Representative Peers, then the Lord Clerk Register, or Lords of Session, should not, during the life of such Peer or Peeress, allow any other person claiming to answer to such title to take part in any such election, nor should it be lawful for any such Lord Clerk Register, or Lords of Session, to allow the vote of any other such person unless directed by the House of Lords. That was a perfectly clear enactment, and if it had been acted on, he believed some of the painful scenes which had occurred at late elections of Representative Peers at Holyrood would not have occurred. At all events, they would not have occurred a second time; and now that this section had been brought under the notice of those who were in the habit of attending these elections, he should think there was very little danger of these scenes occurring again. The one false step which had been made in this matter was the rescinding, in 1862, of the Resolutions which obliged all claimants for Peerages, who claimed to succeed in any other way than in a direct line, to come before the Committee of Privileges. He thought the noble Duke (the Duke of Buccleuch), who moved the rescinding of the Resolutions in 1862, had publicly expressed in this House his regret at having taken that step with regard to claims for the possession of Scotch Peerages. He was of opinion that if that Resolution were re-enacted, it would meet all the difficulties under which they now laboured. With regard to the last part of the Motion, he must say that a very good case could be made out for inquiry into the practice and the procedure of the Committee of Privileges. Their practice and procedure, it might safely be said, required amendment on several points. In addition to the delay caused, and the very unpleasant position which lay Peers were called upon to occupy, there was the enormous and overwhelming expense to the unfortunate

claimant, and those who opposed the claims before the Committee. The Earl of Crawford had spent, it was said, £20,000 in pursuing his claim before the Committee. His noble Friend near him (the Earl of Mar and Kellie) told him he had spent a very large sum in prosecuting his claim. He himself had unfortunately very intimate knowledge of the amount which he, and his father before him, were obliged to spend in making good his claim to the Peerage which he now had the honour to enjoy. He thought, therefore, a very good case could be made out for inquiring into the practice of the Committee of Privileges. But when they were asked to inquire into the position and order of precedence of Scotch Peerages on the Roll called the Union Roll, and in the Decree of Ranking of 1606, he must ask their Lordships to pause before they started on any such course. The Motion, as he understood it, was to inquire into the position and precedence of individual Peerages on the Roll; and he must say that he thought, whether that settlement was perfect in all respects or not, it would be exceedingly unwise to re-open the whole subject, after the settlement had existed for upwards of 250 years, on account of some minor imperfections which were alleged to exist in it. Perhaps their Lordships were not aware how that Decree and Ranking took place. It took place in 1606, and the cause of its being ordered by King James was the constant quarrels and bickerings which took place among the Scotch Peers as to their precedence, when they were in the habit of going in state from the Palace of Holyrood up to the Scottish Parliament, and it was with the view of composing those differences that this Decree was ordered. The Commissioners were instructed to summon the Peers before them, and place the Peerages in their proper order. He believed some went before them, and some did not; at any rate, the matter was gone into very hurriedly, and the result was that even greater dissatisfaction was caused than had existed before. According to the Union Roll, Peerages were not put in anything like complete consecutive order, according to the dates of their creation. The Decree of Ranking never gave satisfaction; but, nevertheless, he thought that to upset a document which had been a settlement of the question for upwards

of 250 years would lead to a great deal more trouble and annoyance, and perhaps a great deal more ill-feeling, after the new settlement had been arrived at, than if matters were left as they were. He could not conceive anything more unfortunate than re-opening such a question. He should pity the Committee that had to undertake it, because it would take a large number of years to get through it. There was, besides, machinery existing for putting right any defects on the Roll. If any Peers felt themselves aggrieved by the position they held on it, there was machinery by which such a man could protest and get himself placed above one who was wrongly put above him. He believed their Lordships had more than once asked the Court of Session, as in 1740, to provide a more perfect Roll than the Union Roll, and that the Lords of Session protested that the matter was too difficult for them to solve, and that they could not really undertake to do it and settle it satisfactorily. He would further like to ask of legal authorities whether it was competent to their Lordships to undertake such inquiry? He had always understood that questions of precedence, except so far as related to seats on the Benches of this House, were not within the cognizance of their Lordships. It might be said that, under the Motion, the Committee would not be instructed to inquire into and settle the precedence of individual Peerages, but only into the state of the law on the subject. If that was so, surely it was not an inquiry which it would be worth while going into; and he could not see how it could be dissociated from the much larger question to which he had referred. In conclusion, he should be guided by the amount of support he received in the discussion as to whether he should press to a division the Amendment which he had put on the Paper. The noble Lord then moved his Amendment.

#### Amendment moved,

To leave out ("and as to the position of order of precedence of Scotch Peerages upon the Roll called the Union Roll, and in the Decree of Ranking of 1606.")—(*The Lord Balfour of Burleigh.*)

THE EARL OF BELMORE said, he would suggest that the time allowed between the issue of the Writ and the making of the Return in regard to the election of Representative Peers should

be shortened from 52 days to 32, in consequence of the increased facilities of communication now existing.

LORD BLANTYRE said, after much dissatisfaction had been expressed lately at the manner in which the Union Roll had been dealt with at the elections at Holyrood—there had been a number of Protests at every election—it was all the more necessary that inquiry should be made into the matter, and there was no sort of reason why inquiry should be evaded.

EARL CAIRNS said, there were two subjects which must be of paramount interest in that House, and as to which every information desired ought to be put before it. The one was the claims to Peerages which would confer a seat in that House; the other was the claim to vote for Representative Peers who were to have seats in that House. The greater part of this Motion proposed an inquiry into the state of the law as to claims to Peerages, as to the manner in which they ought to be substantiated, and into the procedure which should be resorted to in case they became the subject of dispute. If Her Majesty's Government, in a matter of that kind, particularly where the Prerogative of the Crown was concerned, thought it right to accede to such an inquiry, he certainly should not be disposed to offer any opposition to it; but, on the contrary, thought that advantage might arise from the inquiry. With regard to an observation of his noble Friend behind him (Lord Balfour of Burleigh), as to the Committee of Privileges, he did not say that the procedure of that Committee might not be improved, and especially that part of it which required the presence of seven Peers; but any persons who fancied that the Committee of Privileges and the proceedings before it could be made an inexpensive matter would, he believed, find themselves disappointed. But there were matters connected with claims to the Peerage—the manner in which the country, and even the national archives, would have to be ransacked for ancient documents, the character of the evidence which had to be brought to bear upon those documents, the time over which search must extend, perhaps for years, the manner in which documents must be printed and submitted for most careful examination—all these were things which could not be deter-

mined without a very great amount of expense. He did not mean to say that the expenses were not greater than they ought to be; but these must necessarily be very expensive processes. So far, therefore, as the Motion proposed inquiry into the procedure of the Committee of Privileges, he did not object to it. It was a Motion which concerned not only Scotland, but England and Ireland also. It touched them all. But then, in the centre of his Motion, the noble Lord proposed certain special inquiries with reference to Scotland, and this seemed to him to be open to objections, and he thought their Lordships ought to be careful before they acceded to that part of the Motion. A claim to a Peerage, or a claim to vote for a Representative Peer, was one thing; a claim to simple precedence was a wholly different thing. It had nothing whatever to do with the question of right to a seat in this House, and precedence was a matter which, except so far as it had been taken out of the control of the Crown by Act of Parliament, was for the Crown. They knew that the great statute of precedence—51 *Henry VIII.*—stated on the face of it that the regulating and granting of precedence was for the Crown; and, therefore, it proceeded to declare that the establishing of precedence of Peers in Parliament was within the Prerogative of the Crown. No precedence beyond that remained for the Crown to regulate. Now, for what purpose were they to inquire into this subject? Was it to raise again the question of the Mar Peerage? He hoped not.

THE EARL OF AIRLIE said, it was not.

EARL CAIRNS said, he was glad it was not to raise that question. The Union Roll and the Decree of Ranking might have their faults; but, if so, let individual cases stand upon their merits. Let them not have a Committee to inquire specifically as to the value of the two documents which were mentioned in that Motion, and which related to Scotland alone, and did not deal with the question of the Peerage generally, but only with precedence. If there arose a dispute as to which Peerage was the more ancient and had a right to sit above the others, that was a claim, not to a Peerage, but to precedence in that House. He did not believe that that question had arisen in the memory of

any Member of that House, or for 100 years. He thought, therefore, that their Lordships would have done enough—if he might offer that advice—by intrusting to the Committee the very important investigation which the rest of the Motion would give to them. To go beyond that would, he believed, cause great embarrassment, delay, and trouble, without answering any good object.

THE LORD CHANCELLOR: My Lords, I have to say for the Government that I am not prepared to offer any objections to the Motion of the noble Earl. There can be no doubt, I think, that it would be a good thing that inquiry into the succession to Peerages and claims to vote should take the same course, and be under the same law, in all parts of the United Kingdom. At present it is well regulated in England and in Ireland, and it may be a consequence of that regulation that nobody in England or Ireland thinks of making a claim to a Peerage before it has been investigated in this House, or perseveres in it when it has been disallowed after investigation in this House. No doubt there have been cases in which titles have been assumed which have not been substantiated; but those have been cases depending upon questions of fact, and as soon as decisions of this House have been obtained, such claims as are contrary to them have ceased to be made. But it must be known to all your Lordships that that which is the rule in England and in Ireland is not the rule in Scotland, and that from time to time various titles to Peerages have been assumed in Scotland by persons who have not taken the means which were open to them of submitting their claims to investigation in this House; and hitherto there have been no means provided by law, except under particular conditions, for causing those claims to be inquired into; and one consequence of that has been that some discussions, very inexpedient and undesirable, as to the grounds of particular decisions of your Lordships' Committee of Privileges, have been raised in the way of general debate in this House. To put the course of procedure, in all such cases, on a uniform and well-regulated footing, seems to me a desirable thing. With respect to the last part of the Motion, as to the procedure and practice of this House in its Committee of Privi-

leges, while I entirely agree with what my noble and learned Friend has said, that in most cases, or at least in many, there must be much unavoidable expense, yet I think it is something like a scandal that from year to year, from Session to Session, nobody knowing how much time will be occupied in one Session, or how many protracted stages there may be, the same claims are allowed to drag on and continue very much at the convenience of those who are interested in conducting those cases out-of-doors. I cannot but think that, although it may be impossible strictly and literally to apply to those claims exactly the same rules which are applicable to ordinary cases of civil litigation, yet a very much greater approximation might be made—that is to say, claimants might be required within reasonable limits of time, and in something like a regular course, to bring in their evidence, and take the judgment of the Committee of Privileges upon its effect. You might not be able, in all cases, to prevent them from being renewed, but you could prevent claims from being protracted over a very great length of time. The question of precedence does not directly interest this House, except so far as it may affect either the weight or value of evidence in cases of Peerage claims, and the relative precedence in this House of any Representative Peers from Scotland, as between whom questions of precedence may arise. Precedence stood originally upon the Royal Prerogative; but, as the noble and learned Lord has said, so far as relates to England, the legislation of the Reign of Henry VIII. has put it upon the footing of law. As to the Scotch Representative Peers, they, by the Act of Union, take rank in this House as at the date of the Act of Union. Among themselves, they take rank when the dignities are of the same degree, according to the dates of their creation. If it so happened that an Earl of Rothes, for example, and some other noblemen now standing above the Earl of Rothes upon the Union Roll, were at the same time to be returned as Representative Peers, the question of precedence between them might arise. Now, the matter stands in this peculiar way. The Decree of Ranking of James I. is not an instrument by which the King, in the exercise of the Royal Prerogative, granted any precedence. It was the

result of the Commission of Inquiry issued by authority of that King to look into the documents upon which the actual rights of priority or precedence would depend, and to report accordingly. The King established the result of these findings; but the Commission, at the same time, provided that if anyone should be aggrieved by the order of precedence so settled, he might appeal to the Court of Session, and that Court might pass a decree to rectify any mistake that might have been committed. Under that power the Court of Session, at the beginning of the Reign of Charles I., altered, in one instance (that of the Earl of Buchan), the precedence fixed by the Decree of Ranking; and an Act of Parliament was passed to confirm that change. One or two other cases were brought forward; but, so far as I have been able to trace the matter, they came to nothing, and the claims were dropped. So that, except in the case of the Earl of Buchan, no actual rectification has been made; and as to all other Peerages, the Union Roll simply represents the Decree of Ranking. It may be a matter of serious doubt whether the Court of Session would now consider that it has authority to entertain any such question of priority, seeing that the only original authority was derived from King James' Commission, and that, in the single case in which the order of precedence has been changed, it was thought necessary to have an Act of Parliament to confirm the decision in Lord Buchan's favour. It appears to me that, in that state of things, it might be desirable, not to inquire whether this Peer or that is in the proper place in the Union Roll or Decree of Ranking, an inquiry which I should deprecate quite as much as my noble Friend who moves the Amendment; but into the state of the law as to the means of correcting such errors (if any) as may exist in those instruments. As I understand the Motion, all that is intended is that the Committee should inquire, not into the position and order of precedence of the Scotch Peerage upon the Roll, but into the present state of the law with regard to several matters, of which this is one. I have explained the reasons which led me not to anticipate the objections which have been made on this point. My mind is perfectly open upon the subject, and I do not desire in the least to influence your

Lordships if you think this part of the proposed inquiry unnecessary.

THE EARL OF ROSEBERY said, he did not rise to take any part in the discussion; nor did he think that the matter was of great importance as to whether this Committee sat or not. The fact was, that all the information the Committee required was in the hands of the House. The main points that were raised with respect to the Scotch Peerage, which were sufficiently obvious, were already fully laid before the House in the Report of the evidence of the Committee of 1874; but if there was any anxiety on the part of their Lordships to sit on another Committee, he saw no reason to prevent their doing so. At the same time, he would point out that what was wanted was not a Committee or information. There were various important recommendations of the Committee now in evidence before their Lordships. They had been in the hands of their Lordships for some years, and there had been no tendency whatever to take any action upon them. The matter was one of so much delicacy and of dignity, as affecting a large section of the Peerage, that it could only be introduced upon the responsibility of Her Majesty's Government; and certainly, considering the present state of Public Business, it was not to be expected that the Government would be prepared to bring in such a measure this year. As regarded that very difficult point, which was not merely a question of precedence but a question of seemliness at the election of Scotch Peers, they had a suggestion that, instead of a Roll of Peerage to which there were likely to be a dozen claimants, and which had led to scenes almost giving one the idea of personal combat, these scenes might be avoided by making the Roll one of individual Peers and not of Peerages to which people could lay claim. The preparation of such a Roll would require a Committee of great lawyers, and a Committee that would sit with great labour and patience for, he should think, a considerable number of years, and when that was done they should have some hopes of getting the question put into a satisfactory state. He wished to point out that a mere collection of information was a very flabby and endless mode of dealing with this question. He did not know if noble Lords were anxious to sit upon another

Committee, but he was quite certain that it was not by Committees that this subject could be settled. This Committee would have to guard itself very strictly against the danger pointed out of descending into the usual controversies concerning the Mar Peerage.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) thought that it would be unwise to re-open this question, which had long been settled, for good or ill. An inquiry into a Peerage claim was very different from any other legal proceeding, in consequence of the number of years that the inquiry extended back. In the Annandale Peerage case, for instance, the Committee had to investigate a line of descent commencing in the 15th century. He had received a letter from a noble Duke (the Duke of Buccleugh) who had taken much interest in the matter, in which he stated it would be impossible for the Committee to go into the whole of the details of the subject unless they were prepared to sit for many months, or perhaps years, and that it would involve a large expenditure of money, public as well as private. He agreed with the remarks that had fallen from the noble Lord who had just sat down, and he hoped the House would agree to the Amendment of the noble Lord behind him.

THE EARL OF GALLOWAY said, the only object of the part of the Resolution objected to was to investigate and see whether this Decree of Ranking was a document of value, without the intention of going into any particular Peerage. He could not but hope their Lordships might think it best, therefore, to accept the Resolution proposed by his noble Friend opposite in its entirety, after hearing the remarks of the Lord Chancellor on the subject.

THE EARL OF AIRLIE said, that, in accordance with the feeling of the House, he was willing to accept the Amendment of the noble Lord (Lord Balfour of Burleigh).

On question, that the words proposed to be left out stand part of the motion, *resolved in the negative*; and motion, as amended, *agreed to*.

#### ARMY (AUXILIARY FORCES)—THE WINDSOR REVIEW.

EARL GRANVILLE: Perhaps it would be convenient that I should state to the

House the arrangements that have been made for the accommodation of Members of both Houses on the occasion of the Royal Review at Windsor to-morrow. Space for about 500 has been roped off in front of the Royal carriages and to the left of the saluting-point. The Ranger will do his best to provide accommodation for Members' carriages behind the Royal carriages.

THE LORD CHANCELLOR: It may also be for the convenience of the House that I should state that arrangements have been made for special trains for the conveyance of Members of both Houses to Windsor to-morrow; but that no arrangements have been made for special trains for the return journey. [*Laughter.*] Perhaps I ought to modify that statement by saying that at present I have not received information that any arrangements for return special trains have been made.

#### ALSAGER CHAPEL (MARRIAGES) BILL [H.L.]

A Bill to legalize certain Marriages celebrated in the Chapel at Alsager, in the parish of Barthomley—Was *presented* by The Lord Archbishop of York; read 1<sup>a</sup>. (No. 153.)

House adjourned at half past Six o'clock, to Monday next, Eleven o'clock.

### HOUSE OF COMMONS,

Friday, 8th July, 1881.

MINUTES.]—PUBLIC BILLS—*Ordered*—*First Reading*—Solent Navigation \* [207]; Parliamentary Revision (Dublin County) \* [208]. *First Reading*—Charitable Trusts \* [209]. *Second Reading*—London City (Parochial Charities) [13], *debate further adjourned*. *Committee*—Land Law (Ireland) [135]—R.P.; Removal Terms (Scotland) [8], *debate adjourned*. *Third Reading*—Solicitors' Remuneration \* [100], and *passed*. *Withdrawn*—Corn Returns (No. 2) \* [76].

The House met at Two of the clock.

### QUESTIONS.

#### SOUTH AFRICA—THE TRANSVAAL COMMISSION.

SIR HENRY HOLLAND asked the Under Secretary of State for the Colo-

nies, If he can state to the House whether the labours of the Transvaal Commission are drawing to a close; and, if no information has been received upon the point, whether he will cause an inquiry to be made of the Royal Commissioners as to the progress they are making, and the probable termination of their inquiry?

SIR CHARLES W. DILKE: Sir, a telegram has been received from Sir Hercules Robinson, from which it appears that if good progress continues to be made, the Commissioners hope to complete the principle portions of their work in about three weeks from the present time.

**SOUTH AFRICA — ZULULAND — ALLEGED REMOVAL OF THE REMAINS OF THE LATE KING, PANDA,**

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, Whether the Commissioners appointed to inquire into the alleged digging up and removal of Panda's remains in Zululand have made their Report; and, if so, will he lay it upon the Table of the House?

SIR CHARLES W. DILKE: Sir, Commissioners were not appointed; but the Secretary of State for War desired Sir George Colley to report upon this matter, and a despatch was received from him, from which it appeared that no trustworthy information could be procured. A telegram has been sent to Sir Evelyn Wood asking whether any further steps were taken by Sir George Colley. There will be no objection to produce the Papers when they are complete.

**ELEMENTARY EDUCATION ACT, 1880—THE STANDARD OF EXEMPTION—BYE-LAWS FOR SCHOOL ATTENDANCE.**

MR. SUMMERS asked the Vice President of the Council, Whether one of the results of the passing of "The Elementary Education Act, 1880," has been that some School Boards and School Attendance Committees have lowered the standard of education fixed by their bye-laws for the total or partial exemption of children from the obligation to attend school; and, whether he will lay upon the Table of the House a Return showing the extent to which the Act has operated in this direction?

MR. MUNDELLA: Sir, the Elementary Education Act of 1880 required

that on or before the 1st of January of the present year every district in England and Wales should pass bye-laws regulating school attendance. The result has been that about 1,200 sets of bye-laws, embracing a population of 6,500,000, have been passed. In settling bye-laws for a Union, composed of a number of parishes, we have endeavoured as far as possible to secure uniform standards for partial and total exemption for the whole Union. To effect this we have, in some instances, had to lower, and in others to raise, the standards in certain parishes. The general effect, however, has been to raise the standards, and in thousands of parishes to supply standards where none were previously in force. In the factory towns and districts the half-time standard has, in some instances, been reduced. This is owing to the fact that before the passing of the Act of last year it was contended that no standard was requisite in the case of factory children. These and all other children are now required to pass a standard before going to work, so that, although the nominal standard has in a few instances been lowered, the effect of the Act has been to raise the standard and increase the efficiency of educational work throughout the country. I have already laid on the Table a Return showing the standards in force in every parish and borough in England and Wales, and this, I hope, will meet the requirements of the hon. Member.

**ARMY (AUXILIARY FORCES)—THE VOLUNTEER REVIEW AT WINDSOR.**

THE O'DONOGHUE asked the Secretary of State for War, If it be true that the request of Sir Frederick Roberts and Sir James Hill to attend on the staff, on the occasion of the Volunteer Review at Windsor, previous to returning to India, has been refused; and, if so, on what grounds?

MR. CHILDERS: Sir, before I answer this Question, I think I ought to gather whether it is the wish of the House to make the selection of officers for the Staff at Reviews the subject of Parliamentary criticism. I cannot find that in either House of Parliament such interference with the discretion of the military authorities has ever taken place, and I must appeal to the House to support me if I decline to answer a Question.

*Sir Henry Holland*

tion which would form a precedent for inquiries, in my opinion, quite beyond the province of Parliament.

THE O'DONOGHUE gave Notice that, in consequence of the answer of the right hon. Gentleman, he would renew the Question on going into Committee of Supply.

MR. SCHREIBER asked the First Lord of the Treasury, Whether he will apply to His Royal Highness the Ranger of Windsor Park to admit Members of both Houses of Parliament wishing to attend the Volunteer Review on Saturday to the reserved spaces in Windsor Park on either hand of the position to be occupied by Her Majesty, and so grant them the same privileges as have already been conceded to others of Her Majesty's subjects? The hon. Member said he heard yesterday, for the first time, that Windsor Park was under the Commissioners of Woods and Forests, and that, consequently, no Member of the Government had communicated with the Ranger on the subject of his (Mr. Schreiber's) Questions relating to the Volunteer Review. Therefore, the animated conversation in the House yesterday would be the first intimation received by the Ranger of the wishes of the House, with which he felt sure His Royal Highness would be anxious to comply. He hoped now to hear from the Prime Minister that they would be able to-morrow, as Members of the Legislature, whether enclosed between hurdles or not, to testify their admiration of the fine spirit which would bring 50,000 men to Windsor.

MR. CHILDERS: Sir, my right hon. Friend the Prime Minister has asked me to state what has been done in this matter. After the conversation in the House last night, I saw Mr. Gore, one of the Commissioners of Woods and Forests, and we telegraphed to the Ranger of Windsor Park our opinion that, under the circumstances, provision should be made for reserving places at the Review for Members of the Houses of Parliament. Space for 500 is roped off, accordingly, in front of the Royal carriages and to the left of the saluting point, and 300 tickets will be sent to Mr. Speaker for Members of this House by 5 o'clock this afternoon. As to Members' carriages, the Ranger will make the best arrangements he can behind the Royal carriages.

#### FRANCE AND ENGLAND—THE NEW COMMERCIAL TREATY—NEGOTIATIONS.

MR. BIRLEY asked the First Lord of the Treasury, Whether, having regard to the magnitude and variety of the interests involved in the negotiations with France for a renewed and modified Commercial Treaty, he will take measures to afford the utmost publicity to the inquiry now being conducted by the Foreign Office.

MR. GLADSTONE: Sir, I hope the hon. Member will be content with my giving him a general answer, for a general answer is the only answer that can be given. A more particular and pointed Question is going to be put to me next week by the noble Viscount the Member for Liverpool (Viscount Sandon). Before that Question is put, we shall observe the state of things before the Commission, and perhaps I shall be able to say something more. All I can say at present is that the hon. Member himself cannot be more desirous than we are to have the support and advantage of public opinion, and of information from every source. Consequently, to the utmost extent of our liberty we shall desire to associate Parliament and public opinion with us in all the steps we may have to take.

#### TELEGRAPH ACTS, 1863 AND 1868 — TELEGRAPH WIRES OVER PUBLIC THOROUGHFARES.

SIR HENRY TYLER asked the First Lord of the Treasury, with reference to the responsibility of local authorities for the safety of the public as regards casualties from the fracture of the wires stretched over the public thoroughfares, Whether he will be so good as to state under what Act of Parliament this responsibility is thrown upon the local authorities, and what power the local authorities have to control the General Post Office or other authorities in fixing the wires; and, whether he is prepared to recommend a departmental inquiry, with a view to the avoidance of the serious risk now incurred to all persons using the thoroughfares under those wires?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, that as this was a legal Question he would answer it. By the Act of 1863, Sec-



tions 9, 10, and 12, Telegraph Companies were restrained from placing posts and wires along thoroughfares without the consent of the body having control of such thoroughfares. By the Act of 1868 the Act of 1863 was made to apply to the Postmaster General. Therefore, that Act only restrained Telegraph Companies and the Postmaster General; but, in relation to other public bodies and to private individuals placing posts and wires along the public thoroughfares, the responsibility of seeing that they were properly placed so as not to cause danger to the public rested with the body having control of the streets and highways. In the opinion of the Government, nothing had arisen to render necessary a Departmental Inquiry with a view to avoid the risk to persons using the thoroughfares under the telegraph wires. If any wire were erected to which the local authorities took exception on the score of danger to the public, they could restrain the Postmaster General in the matter.

LAND LAW (IRELAND) BILL.—  
CLAUSE 34—THE COMMISSION.

LORD RANDOLPH CHURCHILL said, he wished to ask the Prime Minister a Question of which he had given him private Notice. As it was probable that Clause 34 of the Land Bill would be reached on Monday, Will the right hon. Gentleman direct that the names of the persons who are to compose the Land Commission shall be placed on the Notice Paper this evening, both on account of the very great importance of the question, and the great convenience which will result if the names are submitted to the Committee without delay?

MR. GLADSTONE: I can promise two things, Sir. In the first place, we will not propose Clause 34 till we are ready to put in the names; and, in the second place, we will not propose Clause 34 without giving Notice of the names we intend to ask the House to put in. I think, however, the most convenient course would be to postpone Clause 34. We have proceeded on the principle we adopted at the time of the passing of the Irish Church Act, on a principle approved by the House then, and a reasonable principle too—namely, that it would be well to determine all the important and material duties of the Commission before we proceeded to name

them. In point of fact, it is obvious, when we come to consider it, that the selection of the Commissioners implies the acceptance of responsible offices by Gentlemen to whom any offer or proposal could be made, and that they would naturally desire for to know what are the duties to be placed on them before they make up their minds on the matter. It so happens that in this particular instance we have two or three questions that must necessarily stand over, as matters now stand, until we have got through the clauses of the Bill. Whatever may be proposed with respect to labourers, and as to what has been proposed, at least with respect to arrears and other things, these are matters which the Committee have not had an opportunity of determining; and, therefore, probably the best way will be to postpone the matter.

SIR STAFFORD NORTHCOTE asked whether the right hon. Gentleman also intended to postpone the clause relating to the salaries and powers of the Commissioners?

MR. GLADSTONE said, he thought not. In accordance with the promise he made some time since, he would place an Amendment on the Paper, or describe generally various changes and, he hoped, improvements which they intended to make with regard to the arrangements relating to the Commission. He thought those might be very well considered before naming the Commission.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]  
(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [TWENTY-THIRD NIGHT.]

[*Progress 7th July.*]

Bill considered in Committee.

(In the Committee.)

PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND, AND EMIGRATION.

*Acquisition of Land by Tenants.*

Clause 19 (Advances to tenants by Commission for purchase of holdings).

*The Attorney General*

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 13, lines 4 and 5, by striking out the words "a solvent tenant would pay," and inserting "would be a fair rent."

MR. LITTON moved as an Amendment, in page 13, the omission of the word "may" in line 13, in order to insert the word "shall." That, he said, was a very short Amendment, but it was one of some importance. The provision of the clause was to indemnify the tenant who purchased from the Land Commission against circumstances adverse to the title of the landlord. He thought the Committee would agree with him that it should be the duty, and not the option, of the Commission to indemnify the purchasing tenant under those circumstances.

Amendment proposed, in page 13, line 13, to leave out "may," and insert "shall."—(Mr. Litton.)

Question proposed, "That the word 'may' stand part of the Clause."

MR. GLADSTONE: I hope my hon. and learned Friend will be content with the word "may." It is a very strong provision, indeed, in favour of the tenant, to authorize the Commission to take upon themselves the risk of doubts and ambiguities appertaining to the title. I am not aware that any such enactment has ever before been authorized as that of allowing any body of persons to take upon the State in the way now proposed the discharge of doubts or ambiguities in future contingencies. I think it necessary that we should preserve the ultimate discretion of the Court.

MR. HEALY thought the sub-section would only give the tenant a right of action against the Commission in case he was subsequently evicted, and he would ask the Government to give the Land Commission the same power that was possessed by the Landed Estates Court. He would ask the Attorney General for Ireland whether this interpretation was not correct?

MR. LITTON said, he was not so unreasonable as to ask that the Land Commission should make such an inquiry into the title of the landlord as would be sufficient to secure a statutory title. But it seemed to him that where the onus and duty was cast upon the Com-

mission of selling to the tenant and taking his money for the purchase, they should be bound to give a covenant against encumbrances. If it were left optional with the Commissioners, it would be competent for them to say, "We will give no indemnity," and the purchaser might be exposed to eviction. He was surprised that the Prime Minister did not see his way to accept this Amendment. He did not like, however, to press it against the right hon. Gentleman's opinion, because he deferred to the right hon. Gentleman's opinion very much. Probably the right hon. and learned Gentleman the Attorney General for Ireland could give some explanation as to why the Amendment should not be regarded as a reasonable one. If the purchaser was to be made safe, it could only be done except through the intervention of the Commission, and he ought to get an indemnity from the Commission against any claim that might afterwards be made. It would be very unreasonable for the purchaser to have to defend a law suit with heavy costs by reason of some oversight on the part of the Commission, or of their refusal to give the indemnity which they ought to give. He was very unwilling to set his opinion against that of the Prime Minister, but he entertained a strong opinion upon the subject.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) did not see how the Commissioners were to investigate the title of the vendor unless they had the means of investigation. The Commissioners were merely to act as intermediaries in this matter between the original owner and the purchasing tenant. They should not be bound in every case to make good the title. They would, no doubt, do it in all reasonable cases, and that was really the meaning of the word "may;" but the word "shall" gave no alternative such as ought to be retained. The Court might be trusted to do what was right, and they would give the indemnity where it was reasonable to do it.

SIR JOSEPH M'KENNA thought the case might be met according to the view suggested by the hon. and learned Member for Tyrone (Mr. Litton), by inserting the words "shall, unless released from that obligation by the grantee." That would provide that the Court should indemnify the purchaser of

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the fee-farm interest, unless the purchaser should release them from that obligation. That would work very well, because in cases where there was a general consensus—where the title was known to be good and sufficient—there would be no costs incurred; but it would be very fair that the Court should put the tenant on his guard in certain cases—the strong inducement for doing which they would have from the fact that they would be liable unless they got an indemnity from him.

MR. GLADSTONE: The Landed Estates Court are armed with the necessary machinery for strictly investigating title; but we could not provide that machinery in the case of the Land Court, and therefore we cannot place upon them the function of the Landed Estates Court to give a Parliamentary title. We have already gone a long way from what was proposed, and we cannot go further. By assenting to a number of these provisions, we have already somewhat strained our original purpose.

MR. GORST said, he entirely agreed with the Prime Minister and the right hon. and learned Attorney General for Ireland as to their intention; but he confessed he had some little doubt as to whether the words at present in the clause would quite carry out that intention. He was not sure whether, as the words now stood, the Court would be able to refuse to give an indemnity, because, as the right hon. and learned Gentleman was aware, the word "may" in Acts of Parliament was generally construed "shall." He thought that words should be inserted such as "may in their discretion," or "if they think fit;" or, otherwise, the "may" might be held equivalent to "shall" when the Bill came to be put into operation.

MR. LEAMY thought that even if the word "shall" were substituted for "may," it might not have an obligatory effect, unless the Commission had some means of satisfying themselves as to the title; for it might be held that an indemnity was not due to the tenant, and that unfortunate tenant might have to pay a very large sum. If the Court was to transact the business at all, they ought to be able to investigate title; and it would certainly be much cheaper for them to investigate than for anybody else to do so.

*Sir Joseph M. Kenna*

MR. DAWSON said, the hon. and learned Member for Chatham (Mr. Gorst) had suggested that the words should be "may, if they think fit." But what the words of the clause meant as they stood at present was—"if satisfied with the indemnity given by the landlord." In many cases the Court would make inquiry into title, and they would not put the provision in force unless the necessary conditions were complied with.

MR. LITTON said, that, after the discussion that had taken place, he would not trouble the Committee to divide upon the Amendment.

MR. WARTON wished to suggest to the right hon. and learned Attorney General for Ireland, before the Amendment was withdrawn, that there was great force in what had been said by the hon. and learned Member for Chatham (Mr. Gorst).

Amendment, by leave, *withdrawn*.

Question proposed, "That the Clause, as amended, stand part of the Bill."

SIR HERBERT MAXWELL said, he had not uttered a single word before during the discussions upon the Bill, and he should not have ventured to intrude upon the attention of the Committee now unless he thought he had good reason, for he knew he might be supposed by hon. Members sitting on both sides of the House to be rushing in where angels and Irish landlords feared to tread. He intended, however, to move the rejection of this clause, as he thoroughly disapproved of it. The grounds upon which the clause was founded seemed to him to be utterly barren, and to have been completely undermined by the experience of the last 10 years, as was shown by the Report of the Commissioners and Assistant Commissioners which he held in his hand. He had listened to the discussion with the greatest possible interest, and had heard the most convincing arguments used against the clause. On the question as to whether four-fifths or only three-fourths of the advances should be provided by the State, the Chancellor of the Duchy of Lancaster (Mr. John Bright) had said that there was one mode of purchasing unanimity all round—by sacrificing the public interest; but the only difference between the right hon. Gentleman, who stood out for three-fourths, and those who supported the

proposal of four-fifths, was the small difference of £5 in each £100—the amount of the advance proposed to be made by the nation being in the one case £80, while in the other it was £75. He (Sir Herbert Maxwell) could not, for his life, see why, if an £80 advance was profligate, a £75 advance should be advisable. And, though that was not the question now before the Committee, he thought the arguments which the Chancellor of the Duchy of Lancaster (Mr. John Bright) urged against a four-fifths' advance told strongly against the whole clause, because it seemed to him that the clause sacrificed the public interest of the taxpayer upon inadequate security. The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) had taunted the landlords with having been ignorant in the past, and suggested that probably they might be so in the future. It would be, perhaps, unbecoming in him (Sir Herbert Maxwell) to retort that, in some respects, the right hon. Gentleman himself was possibly not so well-informed as he might be; but he would, at all events, ask the right hon. Gentleman whether he had seen the Report of Messrs. Baldwin and Robertson, dated the 1st of January, 1880, and only circulated three or four days ago? He did not think that many hon. Members had yet seen that Report, and he did not know why its publication had been delayed so long. They were asked, in the words of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, to pass the clause because of the success of the establishment of peasant proprietors during the last 10 years. The right hon. Gentleman told the Irish Members last night to comfort themselves with the knowledge derived from the experience of the past—that in no case had an advance of three-fourths failed. But what was found in the 4th page of the Report of the Assistant Commissioners? Why, that in 18 holdings in the county of Armagh—that county being regarded as one of the most promising grounds on which to establish peasant proprietors—the Commissioners gave evidence of having visited every one, and undertook to state the naked facts about them, and, with the exception of one single holding—No. 13 in the Report—the description of each holding was given in the most gloomy colouring. In no instance could they report

improved cultivation, even though the tenants could have no fear hanging over the investment of capital in the soil, and would not be deterred from making improvements by the anticipation that the rent would be increased as soon as the improvements began to tell. The first holding reached was No. 1, five acres, rent £8. The tenant had had to exhaust his live stock to pay the instalments, and not a beast of any kind was to be found on the land except two pigs. Before the purchase the tenant had had four cows, and had built a good house; the windows and general appearance of the house now told their own tale of pecuniary embarrassment and distress. In case No. 3, the soil was kept in the most beggarly condition, and the tenant gave as a reason for the purchase that he was afraid the land would be bought up by a bad landlord. But that was no argument in favour of this clause, since they were told that after the passing of this Bill there were to be no bad landlords. There was not the least sign of improved cultivation. The tenant in case No. 18 owned three acres, value £3. He used to pay £2 5s., and the purchase money was £47, the whole of which was left at 10 per cent. The owner now paid the rates—he paid none before—and he said that none of the purchase money had been repaid. He had a cow, which the poor man described as “a sort of a cow,” but it was a very bad sort. The cow had a calf, but there was no grass or meadow of any kind; there were no roots for winter keep. There was no evidence whatever of any attempt to improve the cultivation of the land or the general management of the holding; and these observations applied to all the holdings described except No. 13, which was bought up by an affluent shopkeeper in Newry. This was not a very encouraging picture of the result of the action of the Irish Church Commissioners in establishing peasant proprietors. He knew there was an idea cherished by some people that there could be no more attractive or desirable state of things than the division of the land among small proprietors. It was a charming idea that every man should rest under his own vine and fig tree; but it should be remembered that they were now dealing with a land where the fig tree did not grow, and that people with families could not live upon farms or holdings of

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five or ten acres. He did not wish to detain the Committee any more; but he could not reconcile it with his conscience to allow the clause to be added to the Bill without saying one or two words.

Amendment proposed, "To leave out Clause 19."—(*Sir Herbert Maxwell.*)

MR. JOHN BRIGHT: The hon. Baronet (*Sir Herbert Maxwell*) is mistaken in the reference he has made to my few observations of last night. I did not say that in no single case had there been failure, or that in no single case had the tenant fallen into unfortunate circumstances, so that he could not get more than three-fourths of the sum advanced under the Land Act or by the Church Commission. What I said was, that neither under the Land Commission nor the Church Commission had it been found that the sum advanced had been insufficient to allow and to encourage a fair acceptance of purchase on the part of a tenant anxious to become proprietor. If the hon. Baronet bases his reference to what I said upon having himself heard me speak, he will recollect that that was the argument which I used. If, however, he refers to the reports which have appeared in the newspapers, I would only say that they are not very accurate, and are not to be trusted. In regard to particular cases, this much may be said, that some seasons have been so disastrous that not only small holders, but large ones as well, in many cases, have been brought down. The hon. Baronet quoted one case where the holding consisted of three acres. But nobody supposes that, in a bad season, a man can comfortably maintain his family upon three acres; and, even in a good, he would probably be able to live only on the lowest kind of food—on which, to a large extent, the people of Ireland have been accustomed to live. Even in England we know of many large farmers who were men of capital four or five years ago, and who held large farms, but who have now been pulled down by disaster. It is quite outside the case to argue of the future solely in reference to what has happened to very small holders during the last two or three years. The general result, at any rate, is satisfactory, because we have been told that the hon. and learned Member for Dundalk (*Mr. Charles*

*Russell*) was not correct in the statement he made the other day; and it is stated that while the whole sum payable annually to the Church Commission is £119,000, the deficiency is only about £4,000. And of that £4,000, a large proportion of it—I rather think more than half—is owing to one individual having made large purchases from the Commission. If that be so during these bad years, surely the whole case of the Government is supported, and we cannot argue this experience against the proposition of the Bill. When we know, as we do now know, that there is, even under these circumstances, great anxiety to pay, we may be quite sure that the proposition made in this Bill, and which seems to be advanced under this clause, will be such as will enable the tenants to gratify the most laudable ambition of becoming proprietors of their own farms, freeholders in their own country; and, though what the hon. Baronet has said of the vine and the fig tree may be too true in Ireland, I am sure he might have continued the quotation, and said of such peasant proprietors that in the future "no man can make them afraid."

MR. J. N. RICHARDSON said, that, as the hon. Baronet (*Sir Herbert Maxwell*) had mentioned Armagh, the Committee would, perhaps, allow him to say a few words with regard to that county. He (*Mr. J. N. Richardson*) had not seen, as yet, the Papers to which allusion had been made, but he hoped to read them shortly; but, if he did not mistake, the hon. Baronet was to have credit for having selected just the 18 cases in all Ireland that would best support the view he wished to put before the Committee. No doubt, it must be admitted that many of these 18 cases were in the condition stated in the Paper; but there was no difficulty in accounting for that, because the district was an extremely poor, rocky, and miserable one. The tenants on that land purchased at a very high price in 1874 and 1875—which were very good years—and a great many of them borrowed at a very high rate of interest. He was acquainted with one case of a widow, he believed residing in a place called Ballytemple. The holding was purchased for £96, and the whole of that money might have been borrowed from the Commissioners; but she only borrowed from them £56, and the other

*Sir Herbert Maxwell*

£40 she procured from a local attorney, who was good enough to charge her 20 per cent interest, and to make her out a title for £10. Now, would anyone expect that a woman like that, cultivating a farm in a rocky, barren district, would succeed; and yet that individual, simply through her thrift, was succeeding, and was one of the exceptions in the townland with which she was connected. Another thing he might mention was—he was not sure whether it was in that district or not—that when the Church Commissioners sold a certain estate to tenants living on the lower land, which was more cultivated, the right hon. Gentleman the First Commissioner of Works (Mr. Shaw Lefevre) introduced a Bill in 1878, or 1879, to enable them to get perpetuity of leases—to those who did not feel desirous of purchasing their own holdings. If he recollected rightly, that Bill was thrown out. [An hon. Member here made a communication to Mr. RICHARDSON.] He must retract entirely what he had said with regard to the right hon. Gentleman's Bill. He was quite wrong, because he was informed those farms were purchased in 1875; but the argument he should adduce from the Report the hon. Baronet (Sir Herbert Maxwell) had laid before the Committee was this—not that these 18 cases proved, by any means, that peasant proprietorship would be a failure in Ireland; but that, on the contrary, it was the exceptional circumstances under which the tenants had bought—the high price which they had to give at that time, and the high rate of interest which they had to pay—which had put them in that position. He would argue from that that which was rather inconsistent with the votes he had given last night; but he need not give any explanation on that head, because he had his private and public reasons for not doing so. The argument he would adduce would be this—if the Government had given five-sixths, instead of the amount they did, they would very materially have altered the aspect of affairs.

SIR STAFFORD NORTHCOTE: If, instead of receiving five-sixths, they had seven or eight-sixths, there would still be great difficulty in the way of these small holdings, because they would require money, not only to purchase, but to stock their farms. The real difficulty

in which the small holders appear to be placed is this. They are carrying on their business with such indifferent means of their own that they are obliged to borrow at very high rates of interest from the local usurer. The right hon. Gentleman opposite (Mr. John Bright) said just now that no man could make them afraid. I am afraid that is rather too sanguine an expectation in cases such as these, where money has had to be borrowed from the local usurer at 10 per cent. I expect the local usurer will be the person who can make them afraid. They will not be made afraid by the landlord, but by the creditor. The matter seems to me always to resolve itself into this—that these small ownerships will answer very well if they are in the hands of persons who know what they are about, and are able to conduct their business properly. You would have a good security for that in cases where the small proprietors have been able either to accumulate money of their own by their own industry or where they are able to obtain credit from, perhaps, members of their own family or from the landlord, or, in a reasonable degree, from a public fund such as that it is proposed they shall borrow from. But if you want to nurse or coddle them too much by artificial advances, and tempt people to believe that if they can only get possession of the land they are going to put themselves into a position of comfort and security, you will be tempting them very often to their own destruction. If they get three or four acres, which, as the right hon. Gentleman very truly said, are not sufficient to maintain a family in bad years, the consequence of what you are doing, no doubt with excellent motives, will frequently be to the disadvantage of these persons. The lesson we ought to learn from the facts is this—not to apply too great a stimulus to these proceedings. I think that we give reasonable facilities, nay, that we give liberal facilities, in the advances we offer; but I do not think we should go beyond what is proposed. I should be sorry to see this clause thrown out. The experiment has answered very well in some cases, and I have no doubt it will answer in others under fair conditions. As to the object of the clause, I approve of it; but it should be taken up with caution. I would say, do not stimulate this matter

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of the purchase of small holdings artificially or excessively.

MR. NEWDEGATE said, he was very much indebted to the hon. Baronet (Sir Herbert Maxwell) who had brought this Report prominently before the attention of the House. It might be quite true that there were circumstances which rendered the tenants of these 18 holdings exceptions to the general rule; but, at the same time, giving the right hon. Gentleman the Member for Birmingham (Mr. John Bright) full credit for benevolent intentions in promoting this scheme, he (Mr. Newdegate) must call the right hon. Gentleman's attention to the fact that there were circumstances connected with the future of such tenures that could not be overlooked. There were circumstances that should impress themselves very forcibly upon the attention of every landowner—which individuals were now upon their trial, and in which category he (Mr. Newdegate) himself was to be included. There was before the House the Report of Messrs. Clare Read and Pell concerning their journey to America, and that Report showed that Ireland would have to look forward to competing in agriculture with the United States. The Report said that the virgin soil of the United States would remain unexhausted for the next 25 years, and that the produce of that virgin soil would be able to compete with the agricultural productions of Ireland. They had to remember that the agriculture of Ireland had receded very largely during the last 30 years, in consequence of the competition from America, and they had complete evidence of the fact that that competition was likely to come with increased severity during the next 25 years. As a matter of business, he thought it a very doubtful speculation upon which Parliament was entering when it engaged to provide funds to start these small farmers in Ireland. He wished to state that he did not intend to press the Amendment to a division; but he thought there were circumstances in addition to those which had been adduced by the hon. Baronet below him (Sir Herbert Maxwell) which the House was bound to take into account, as a House of Business, in making these advances. He was disinclined to do anything or to say anything which would have in the smallest degree the effect of preventing the extension of the

agriculture of Ireland. He considered the extension of Irish agriculture a great national object, and, therefore, so far from participating in the intention of the right hon. Gentleman the Chancellor of the Duchy of Lancaster—although he was, no doubt, aiming at remedying a great national evil—he could not overlook the adverse circumstances to which the experiment was exposed. He trusted the right hon. Gentleman opposite would excuse his having uttered these few words of caution in connection with the undertaking on which they were engaged.

MR. ECROYD hoped the Committee would allow him its indulgence for a few minutes, as he had not hitherto spoken upon this great question. He was one of those who could not with a good conscience vote against the clause which they were discussing and were probably about to pass; but, at the same time, he should feel that he had not discharged his duty if he did not record his great anxiety as to the actual results which might follow from this legislation. His own observation had taught him that the success of peasant proprietors was very much in proportion to their enjoyment of a southern climate, which produced those agricultural commodities which required a large amount of hand labour, and the production of which was aided by the genial force of a southern sun. Where a northern climate prevailed, peasant proprietors were by no means so successful. Those who had travelled through the Rhine country and parts of Bavaria must be familiar with the fact that the condition of the peasant proprietor there was one of great misery, and that he usually came under the power of the usurers and money-lenders. He had to borrow money at a very high rate at the outset of his career, and so came under a burden which few indeed ever succeeded in escaping from; indeed, from which it was almost impossible to escape. Now, in this measure the Government had been proceeding upon principles which were, to some extent, opposed to the ordinary rules of political economy; and he felt that the success of the clause they were about to pass would depend upon the adoption of some strict regulation which should prevent the usurer doing 10 times more damage than the very worst landlords were to be prevented doing by this Bill.

*Sir Stafford Northcote*

He thought the small purchasers would generally find themselves not in possession of the capital required to work their holdings. They would generally borrow money from local money-lenders at a high rate; and he confessed he had great fear that that proceeding would baffle the exceedingly benevolent intentions of the right hon. Gentleman the Chancellor of the Duchy of Lancaster. He could not take his seat without bearing his testimony to the great value of the right hon. Gentleman's efforts in that direction during past years; and he most cordially hoped that the effect of this clause might be to produce better results than those which he (Mr. Eeroyd) and those who differed from the right hon. Gentleman dared to anticipate.

MR. CAVENDISH BENTINCK said, he felt it only right to those he represented in Parliament to offer his protest against the principle involved in this clause, and, as that was the first time that he had addressed the Committee upon the great subject that was now before it, perhaps it would allow him its indulgence for a few minutes while he stated the grounds of his objection. He could not disguise from himself that at the bottom of this proposal there lay the fixed idea of the right hon. Gentleman the First Commissioner of Works and the Chancellor of the Duchy of Lancaster that there should be a general system of peasant proprietors established throughout the Kingdom at the cost of the State. He would not detain the Committee by discussing the arguments which had been advanced by the right hon. Gentleman the First Commissioner of Works, because they had already been answered a great deal more effectually than he (Mr. Cavendish Bentinck) could answer them. After the great mistakes they had seen the right hon. Gentleman commit in this matter, they might dismiss his arguments without any further observation; but, with regard to the Chancellor of the Duchy of Lancaster, he was good enough to say last night that as the landlords of Ireland had been ignorant in the past, so they would be ignorant in the future. He (Mr. Cavendish Bentinck) was not one of those who would care to poach on the choice vocabulary in the use of which the right hon. Gentleman was so proficient; but he would venture to say that his repose in what they might call

the "Lethe Wharf" had made him rather forgetful of his own antecedents in this matter, and of all those principles of Free Trade which were involved in this proposal. It seemed to him (Mr. Cavendish Bentinck) that the great Free Trade Party had abandoned the principles which they had so long held; and he was told the other day by one of the surviving veterans of the Cobden grand army that the Cobden Club were not going to have their annual dinner this year, but that the shutters were to be put up.

THE CHAIRMAN: I must point out to the right hon. and learned Gentleman that he is going beyond the clause in his observations.

MR. CAVENDISH BENTINCK said, he was ready to bow to the Chairman's decision; but he was pointing out in illustration of his argument that the Cobden Club, which represented Free Trade principles, was not going to hold its annual dinner this year. The Chairman would agree with him that Free Trade principles were involved in this question, and that it was evident that, as far as Irish Land Law was concerned, those principles were not to apply to it, and hence it was not surprising that the shutters of the Free Trade Club were to be put up by the right hon. Member for Montrose (Mr. Baxter), and the hon. Member for Rochdale (Mr. T. B. Potter), who were the chief priests of that exploded superstition. What was the principle upon which the Government had gone? They had never heard a word about it yet. He had heard the right hon. Gentleman opposite say that the principle upon which advances of public money could be granted depended on this—that when they came and asked for money for the relief of a particular class they were bound to show that the advance was for the general public benefit, such as a larger production of food, or for some other very necessary purpose. He was not in the House when his hon. Friend (Sir Herbert Maxwell) read passages from Professor Baldwin's Report; but it seemed to him to be thoroughly established in that Report that the classes who were referred to, and who were intended to be benefited by this clause, would not, in point of fact, realize the benefits it was now proposed to confer upon them. If they considered that

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question from a serious point of view, let them take instances for the guidance of the Committee from the county with which he happened to be particularly connected—namely, the county of Cumberland. He supposed in that county there had been more peasant proprietors than in any other part of the Kingdom; but latterly they had completely vanished. ["Oh, oh!"] Well, if they had not completely vanished, the greater part of them had vanished, and that was entirely owing to the action of the very Free Trade principles of which he had been speaking. Why were they not entitled to ask for the peasant proprietors of Cumberland that they should have a similar benefit extended to them to that proposed to be conferred upon the Irish tenant proprietors? Why were those advantages to be only for Irishmen? Then, again, in addition to the Report of Professor Baldwin, he had had the advantage, a few days ago, of reading a letter written by the junior Member for Newcastle (Mr. Ashton Dilke) in *The Weekly Dispatch*, descriptive of a tour he had made in the county of Cork. Well, he would ask hon. Gentlemen to rise from the perusal of that letter and say, having seen the condition in which those tenants were, whether they would ever be able to find, out of their own resources, the balance which this clause rendered it imperative on them to contribute; or whether, in the future, they would be able to pay the necessary instalments? All these matters, seriously considered, gave him great reason to doubt whether there would be any success in the present policy of the Government. What hope was there for hereafter? The State was put in possession of the land. Would the State ever be able to enforce payment by these tenants? Would they not have in the future, as they had had in times past, measures of relief brought forward by the Government—measures relieving the tenants from payment of their liabilities in the same manner, and on the same principle, as last year they had a Bill brought forward and made a Cabinet measure to give compensation for disturbance? There was no guarantee that the money would be applied for the public good, and that the State would not be, in the future, obliged to stop the enforcement of the payments. It seemed to him that, at the bottom of

*Mr. Cavendish Bentinck*

this, there was no principle whatever which could be intelligible either to Members of the Committee or to the country. He was afraid it was a case, not of principle, but of popularity, and popularity the right hon. Gentleman (Mr. Gladstone) always had at the bottom of his policy. When they had taken off what he (Mr. Cavendish Bentinck) might, perhaps, without offence, term the "Brummagem lacquer" on this proposal, they would find under it the true metal, which meant more than helping a few insolvent tenants in Ireland. This was a measure and a proposal that was intended hereafter to attack landed proprietors on this side the Channel, and it was for that reason that he put forward these few words. There were some hon. Members from Ireland, whose cry was—"We want neither rents nor landlords." [*Hear! Hear! Rule cheers.*] Those cheers only justified him in saying what he had said; and it was for that reason and on those principles that he should give the strongest opposition of which he was capable to the proposal of the Government, which, he considered, should be contested from every point of view.

SIR HERBERT MAXWELL said, that if he had misquoted the right hon. Gentleman the Chancellor of the Duchy of Lancaster, the morning papers were responsible; but, at the same time, the report in the papers had agreed with his apprehension of what had been said by the right hon. Gentleman last night. As to what had fallen from the hon. Member for Armagh (Mr. J. N. Richardson), the hon. Member seemed to suppose that he (Sir Herbert Maxwell) had selected these 18 cases; but that was not the fact. They were the only cases in the Report of the Assistant Commissioners, and they were the only cases to which hon. Members had access. In all these cases, except one, which was the case of a wealthy shopkeeper, there was nothing but failure to report. What he had now stated he should have been sorry not to have said, *liberair animas meam*; and if it was the intention of the Committee to add this clause to the Bill, then it should be done with as little delay as possible. But he had very little doubt that, before many years had passed, a Bill would have to be introduced to create a *Deus ex machina*, to release the new peasant proprietors from their insup-

portable burthen of debt. He would withdraw his Amendment. ["No!"]

*Amendment negatived.*

MR. BIGGAR said, the right hon. Member (Mr. Cavendish Bentinck) had said that some of the Irish Members would like to get rid of Irish rents and Irish landlords altogether. So they would; but they would like to see the Irish tenants buying up the holdings from the landlords; and they thought that one of the faults of this clause was that it did not go far enough, and that it did not make it compulsory on the landlord to sell when the tenant was prepared to buy at a fair and reasonable price. That was what they considered one of the weaknesses of this particular clause; for they believed that the Government were too stingy in their proposals as to the amount of money they would lend. As had already been pointed out, the tenant would have the money which the landlord would give as compensation for disturbance, and that, in the majority of cases, would allow quite sufficient margin of security for the money which he would borrow. He must say that the practical result of the narrowness of the Government proposal must, in the nature of things, be to deprive this clause of its value if the tenants were bound to borrow the £5 which the Government would not advance. The tenants would begin farming with less stock and less capital than they should have, and the result would be very injurious to them. Tenants would be less likely to purchase holdings, or they would receive less benefit from the purchase than it was intended they should by the framers of the clause. He would again appeal to the Prime Minister to re-consider the matter before the Report, and to come to a different conclusion with regard to the amount of money which should be lent on the security of the holding. As to another part of the clause—namely, that which dealt with the fining down of rents, he did not think there was so strong a case as to ask the Government to re-consider the matter; but, where the tenant seemed entitled to purchase entirely the landlord's interest in the holding, he did think the Government would be justified in authorizing the Court, if it thought fit, to lend a larger portion of the purchase money. In dealing with

this subject, it was a very common practice to talk of "peasant proprietors;" but that was an expression that was very seldom used in Ireland, and they much preferred the expression "cultivating" or "occupying proprietors." The people who would buy, in the majority of cases, would not be peasants at all, but considerable farmers. In the great majority of cases they would be men who had property of their own, and who were in a position to pay back the money advanced. He certainly thought, where the holding was of a good description, and the price paid was held to be moderate, the Court was justified in lending the full amount.

MR. STORER said, this most extraordinary clause was based entirely on a delusion, which was this—that the moment these persons were converted from tenants into peasant proprietors, they would exchange the state of misery and poverty in which they lived to one of prosperity. It was well known throughout a great part of England that the small proprietor could have no worse landlord than himself, because, although he might for a short time flourish, particularly when times and seasons were good—which, unfortunately, they were not at present, and were not likely to be in the future—ultimately, when times grew worse, and when, perhaps, he was old and his family had left him, he would become a prey to the mortgagee and the usurer. That would be the case in the present instance; and it was ridiculous to suppose that the Utopian idea of right hon. Gentlemen opposite—that of universal prosperity—would be realized. Even should it be realized, the English taxpayer would ask why, at a time when he was overburdened with every kind of difficulty, should he be called upon to pay the money to carry out the benevolent intentions of the Government in Ireland? The English taxpayer could hardly be aware of the proposal of the right hon. Gentleman to advance, he (Mr. Storer) knew not how many millions—for no specific sum had been mentioned—for this object. When the English taxpayer became fully acquainted with the proposal, there could be no doubt but that he would object in the strongest degree to the whole scheme; but there was another matter to be considered. If this Utopian idea were to succeed, what claim had the Irish tenant

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more than the English tenant to be assisted in this way? It was an assumption and a delusion throughout the measure that the Irish tenant was in a worse position than the English tenant. From his knowledge of the facts, he could state, without fear of contradiction, that exactly the converse was the case. The English tenants, in a great part of the country, were in a far worse position than the Irish tenants. Last year they had a season infinitely worse than that which was experienced in Ireland; and, if the bankers could be consulted, it would be found that the Irish had a great deal more money saved than the English tenant. But he did not find the Government coming forward with any proposal to assist the English tenants in any way. Why was there no proposal of this kind? Was it because the English tenants were law-abiding, and did not rise in rebellion, and did not conspire against the law of their country, as the Irish people had done? Were they, if they wished for an amelioration of their condition, to follow the example set them in Ireland? It was a strange thing to say that because they were so quiet and so tame, and because they did not rebel and listen to agitators, that their condition was not to be taken into consideration at all. On these grounds he objected to the measure; and he thought that when it became well known to the taxpayers of the country what was demanded of them, the measure would not be half so popular as Her Majesty's Government seemed to think.

Question put, and *agreed to*.

Clause 20 (Purchase of estates by Commission, and resale in parcels to tenants).

MR. ERRINGTON said, the first Amendment stood in his name, and raised a very important question with regard to purchases. It consisted of two portions, the first of which he was now moving. He did not agree with what had fallen from the right hon. Baronet the Leader of the Opposition (Sir Stafford Northcote) as to the danger of stimulating the growth of peasant proprietorship in Ireland; on the contrary, he thought that to a peasant proprietorship they had to look for relief from the distress from which that unhappy country was suffering. No doubt, that peasant proprietorship should be

carefully guarded; but there was no chance of having it at all, unless a certain stimulus was given. He agreed with what had fallen from the hon. Baronet the Member for Coleraine (Sir Hervey Bruce) last night, when he had warned the Committee that they must not suppose that after passing this Bill the Irish tenants would be very keen about making repayments. Well, the clause laid down provisions under which the sum advanced by Parliament was to be spent by the Commissioners in purchasing estates for re-sale to the tenants; and, in the first place, he found there was no limitation in the price which the Commissioners might give for these estates. In the second place, there was a very striking, strong, and clear restriction imposed on them, that they should not purchase any estate, unless they were satisfied that a competent number of tenants were willing to combine to purchase their holdings from the Land Commission. What was the effect of that? What class of estates would be dealt with in that way? It was obvious that none would be dealt with except those that were considered to be very well circumstanced; no other estate would fulfil those requirements, and when he said "well-circumstanced" he did not mean well-circumstanced in order to create peasant proprietors, but in a general sense. In this matter, he spoke with a knowledge of particular estates, and there were many of those which could never fulfil these conditions, although they would be eminently suited for the establishment of a peasant proprietary. Landlords would offer their estates, being able to fulfil the conditions, but not being very anxious to sell, and would ask for a high price from the Commission. The Commissioners would be anxious to carry out the objects for which they were appointed, and might, if they could, be prepared to give 20 times the fair rent of the estate. He therefore proposed, in page 13, line 18, after the word "Commission," to insert "for any sum not exceeding twenty times the fair rent of such estate." What would be the advantage derivable from the State purchasing at that sum? If the Commission were able, as he believed they would be, to purchase well-circumstanced estates at the fair rent of 20 years' purchase, the position they would be placed in would be this—the

*Mr. Storer*

State would borrow money at 3 per cent, would invest it at 5 per cent, and would have a margin of 2 per cent left. He would take  $1\frac{1}{2}$  per cent of that to form a sinking fund for 37 years, and  $\frac{1}{2}$  per cent to cover risks and management. They would be able to make any terms—the most liberal terms—without danger to the State, and to stimulate thereby the purchase by the tenants of their holdings. He hoped the matter would be favourably considered by the Government. He was not sure how far they would be willing to accept both these Amendments, because he saw there might probably be an objection to excluding from the present any estate that might not be saleable for 20 years' purchase; but, on examination, it would be found that the objection had not very much force. He believed there were many estates that would be purchased at 20 years, and he did not see why the Commissioners should give more when they could get estates at 20 years' purchase. However, he should not be inclined to press that part of the Amendment, although he was prepared to insist on the latter part—namely, in line 21, to leave out from the word “and” to the word “Commission,” in line 23, both inclusive, in order to insert—

“In the case of estates so purchased, the Commissioners shall determine accordingly as it may appear just and expedient in each case, and from time to time the amount of the annual instalment of the purchase money of each farm to be repaid by the tenant in the form of rent, and the number of years over which such repayments are to be extended.”

He would point out that they had left very large powers and very great discretion to the Commission; the clause, as it now stood, declared the Commission must be satisfied with the expediency of the purchase, and these words he thought should be left in. They were sufficient in themselves to guard the tenant and the undertaking generally; and he hoped the Committee, if they could not agree to the first portion of his proposal, would, at any rate, agree to the second.

#### Amendment proposed,

In page 13, line 18, after “Commission,” insert “for any sum not exceeding twenty times the fair rent of such estate.”—(Mr. Errington.)

Question proposed, “That those words be there inserted.”

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MR. GLADSTONE: I think I cannot too soon nor too clearly express the view Her Majesty's Government take of the Amendment of my hon. Friend (Mr. Errington). Its effect would be entirely to break up the scheme of the Government. From point to point, every imaginable plan that comes across the mind of a Member of Parliament is submitted to the Government and has to be considered. It will be impossible for us to go into all of them, to say nothing of accepting them. We are doing, on the whole, perhaps a dangerous act. [“Hear, hear!”] Yes, I am aware of the force of the expression I am using; we are doing that which imposes a great responsibility upon Parliament, and a yet greater responsibility upon the Government. Nothing but the gravest motives could have led us up to this point. The right hon. Gentleman opposite (Sir Stafford Northcote), last night, said he had to strain his financial conscience in order to support a clause, and in that sentiment I entirely confess my sympathy. It is the strength of the necessity, social and political, that brings us to make this proposal; our scheme is a scheme for free sale with a view to re-sale. In order to re-sell, which is of itself a critical operation, and which we are going to perform in a manner most convenient and economical, we are compelled, according to our own proposal, to run the risk of placing the State in the most disadvantageous position which can be conceived—that is to say, of becoming the proprietor of land in Ireland. It is impossible to conceive a position less desirable. [“Hear, hear!”] The noble Lord cheers; but he knows that what I mean is a position less desirable for the State—I do not mean that the position is undesirable with reference to the security of landed property in Ireland, for the same thing might be said far more forcibly as to the proprietorship of land in England. It is a most undesirable and critical position; but we have fenced it, to a considerable degree, by reducing the proportions of the proposed transactions. But the plan of my hon. Friend (Mr. Errington) entirely breaks up that scheme, and leaves it to the discretion of an administrative Commission, that, after all, will only be indirectly responsible, to determine in its own view the general expediency—how much shall be re-sold, and how insigni-

ficant a portion shall be given to the tenants, and to what extent the State shall assume that function of proprietors. That is a function which the Commission ought not to assume, not merely for the reason that it is critical and dangerous to the State, but for the reason that the State is utterly incapable of discharging the duties of a landlord. The proposal of my hon. Friend, when I look at it carefully, bristles with objections at every point. These purchases, for instance, are to be confined to cases where the sum does not exceed 20 times the fair rent of the estate. Well, the meaning of that is this—no estate can be purchased by the Commissioners until it has been driven through the Court, and until every holding on the estate has been valued by the Court. Why are we to compel these estates to go into the Courts for the purpose of becoming qualified? They may go, and qualify themselves, and then, after all, the Commission may say, "We do not wish to buy." I have heard the argument used many times in these discussions, that after this Bill passes there will be no purchasers of land in Ireland but the State. I do not believe that at all; but this I must say, that this proposition that the State is to buy nothing, except within a limit of 20 years' purchase, is, in my opinion, most unjust. The Government thought of introducing a limit of value; but I am bound to say that, adverting to the average sales that have taken place, we placed that limit at seven years higher than my hon. Friend proposes; but, finally, we came to the conclusion that it was not desirable to have any limit at all, thinking it wiser neither to stimulate prices nor to artificially reduce them. The first part of the Amendment would not be consistent with equity and justice towards the landlords in Ireland; and as to the second part, I do not know whether, if the first portion is not accepted, my hon. Friend will press it. I do not wish to enter into detail upon it now; but I must frankly state that I consider it would entirely break up the plan the Government propose, and it would not be reasonable.

LORD BURGHLEY said, that it seemed to him the State would have to purchase the property twice over, because, in the first place, when it bought an estate, the money left its hands, and

then, subsequently, it had to advance money to other people to buy the property over again, so that the transaction must be a losing one.

MAJOR NOLAN said, he could not imagine how such a proposition could be made by any member of the late Land Commission, and he was glad the Government were not disposed to accept it.

Amendment, by leave, *withdrawn*.

MR. W. J. CORBET said, it was remarkable that throughout the discussions of the question of land in Ireland no reference whatever had been made to what he must call the standing grievance of the country—absenteeism. Hon. Members might not be aware of the extent to which absenteeism prevailed in Ireland; but, from the latest Return upon the subject, it appeared that no less than 5,713,496 acres of land, valued at £2,765,500, were held in Ireland by absentee landlords. The result of this lamentable system was, he regretted to say, absentee commerce and absentee trade. He begged to move the Amendment standing in his name.

Amendment proposed,

In page 13, line 23, after sub-section 1, insert the following sub-section:—"Any estate held by a company, or by any absentee landlord, shall, within two years after the passing of this Act, or on the application of a competent number of the tenants, be purchasable by the Land Commission, at a price to be fixed upon, being not more than twenty-five or less than twenty years' purchase of the net rental of such estate, for the purpose of being resold to the occupiers. For the purpose of this section, an absentee landlord means a landlord who does not reside commonly in Ireland, that is to say whose principal place of abode is not in that country."  
—(Mr. W. J. Corbet.)

THE CHAIRMAN: The Amendment in the name of the hon. Member for Wicklow (Mr. Corbet) is irregular, and cannot be put. In the first place, it declares that the Commission shall purchase the property of Companies and absentee landlords. This is inconsistent with the discretionary powers given to the Commission in the two previous lines. In the second place, it is inconsistent with the ruling given by the Speaker, when the hon. Member for Londonderry moved an Instruction that the Committee might provide for the compulsory purchase of estates from public Companies. It was then pointed out that compulsory purchase was under certain Standing Rules of this House,

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and could not be enacted by a provision in the clause of a Bill.

MR. PARNELL asked whether it was the ruling of the Chairman that no Amendment could be moved to this Bill, giving compulsory powers to the Commission under the Land Clauses Consolidation Act or otherwise, to purchase land in Ireland?

THE CHAIRMAN declined to give any general ruling on the subject. His ruling was that the present Amendment was not regular.

MR. PARNELL asked whether the Amendment would not be in Order if the words "under the Land Clauses Consolidation Act" were added after the word "Commission?"

THE CHAIRMAN said, if the hon. Member for Wicklow County (Mr. W. J. Corbet) would bring the Amendment to the Table it should be considered.

LORD GEORGE HAMILTON said, he had intended to move an Amendment to the preceding clause, which he found could be conveniently moved on the present clause. The Prime Minister had stated that morning that they were about to embark in the somewhat hazardous experiment of advancing public money for the purpose of enabling tenants to purchase their holdings, and that the transaction would assume a two-fold form. With regard to the latter form of the transaction, he believed that the second part of the sub-section relating to the payment of a fine, and a fee-farm rent, for the purpose of enabling a tenant to purchase his holding, would have considerable effect in the North of Ireland. The Committee had given certain powers to the Land Commissioners, allowing them, as regarded the purchase of a holding for a principal sum, to use their discretion in the matter of security; but as regarded the second part of the transaction there was the following qualification:—

"Provided that no advance shall be made by the Land Commission under this section on a holding subject to a fee farm rent, where the amount of such fee farm rent exceeds seventy-five per cent of the rent, which in the opinion of the Land Commission a solvent tenant would pay for the holding."

It would be seen that no notice was here taken of the amount of the fine; and, consequently, if it were an Instruction to the Commissioners that they were to take cognizance of one of the liabilities

of the tenant, while no mention was made of the other, the inference would be they were to take cognizance of one liability only. But it was clear that if the fine was merely laid down to free the tenant from future increase of rent, it should be added to the fee-farm rent in the shape of annuity. The Committee having given the Commissioners power to enter into transactions of this class, they should, in his opinion, adopt the precaution of adding to the sub-section the words of the Amendment which he now begged to move.

Amendment proposed,

In page 13, line 29, after "rent," insert "together with the fine converted into the form of an annuity."—(*Lord George Hamilton.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: The argument of the noble Lord the Member for Middlesex (Lord George Hamilton) is that in dividing the total value of the landlord's interest between the fee-farm rent and the fine laid down, we take cognizance of only one of those elements. If I understand him, he means that we leave it open to the landlord to exact a fine that may be extravagant. But surely the objection of the noble Lord will not apply. We have provided the general obligation that the Commissioners should be satisfied with the expediency of the purchase, as well as conform to the particular limitations; but we did not impose on them any absolute limit as to the price which might be paid. Why, then, should we impose on them any absolute limit as to the amount of fine, where the holding is being purchased partly by the payment of a fine and partly by the payment of a fee-farm rent? I doubt whether the Amendment of the noble Lord will agree with the sub-section of the clause, because the fee-farm rent, together with the amount of fine, gives the whole value of the property which the landlord has to sell, while the sub-section speaks of a particular percentage of value which is not to be exceeded.

MR. W. H. SMITH thought the question was deserving of consideration. The fee-farm rent being fined down to at least 75 per cent of the ordinary rent, the margin of 25 per cent was not a large one; and if the State advanced one-half of what might be an exorbitant

fine, the bargain might not only be injurious to the tenant, but to the State. He trusted the Prime Minister would consider the point between that time and Report.

SIR GEORGE CAMPBELL said, it appeared to him the noble Lord the Member for Middlesex simply wished to guard against collusion between the landlord and tenant; but that was an event which, looking at all the circumstances, was not likely often to occur.

LORD GEORGE HAMILTON believed it was the intention of the right hon. and learned Gentleman the Attorney General for Ireland to alter the latter part of the clause, in which case the objection of the Prime Minister would be valid to his proposed Amendment, so he would withdraw it.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 13, line 31, by leaving out "a solvent tenant would pay" and insert "would be a fair rent."

MR. LITTON said, he wished to suggest that it was unnecessary to confine the action of the Commission by the words of sub-section 3, which required the concurrence of three-fourths in number of the tenants before a purchase could be made. He would rather that the Commission should be guided by what the Prime Minister had called the general rules of prudence, because if they were so guided they would be the best judges of the matter. The same view was also taken by several hon. Members who had Amendments on the Paper for the omission of the sub-section. It must be manifest to the Committee that as the sub-section stood, one tenant short of the number of tenants named would be enough to defeat the powers which it was intended to give to the Commissioners; and as it was desirable that those powers should not be defeated by an accident of that kind he begged to move the omission of the sub-section.

Amendment proposed, in page 13, line 32, leave out sub-section 3. — (Mr. Litton.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR JOSEPH M'KENNA suggested that two-thirds of the whole number of

tenants would be preferable to the proportion of three-fourths named in the sub-section.

COLONEL COLTHURST appealed to the Prime Minister to adopt the Amendment of the hon. and learned Member for Tyrone (Mr. Litton) in preference to the suggestion of the hon. Member who had just sat down (Sir Joseph M'Kenna). He did not think the proposal to relax the conditions on which the Commission might purchase were at all open to the same objections as were applied to the proposal to allow them to advance four-fifths instead of three-fourths of the purchase money of a holding to a tenant. There appeared to him to be no danger in leaving it to the discretion of the Court to settle the proportion of tenants able and willing to purchase.

MR. GLADSTONE said, a slight change might be made by the substitution of two-thirds value for the three-fourths named in the sub-section, to meet the case where, perhaps, two large tenants were unwilling to purchase, while many small tenants were willing to do so. The Committee would recollect that they were imposing on the State, not only the remote risk of difficulty in lending money on land, but the certain and serious disadvantage of becoming itself a landlord. The State would become the landlord, not only of fractions of the property purchased, but would become the landlord of the worst fractions of the property, which tenants would not be willing to buy. Moreover, these worst fractions might be scattered all over Ireland. There was an immense disadvantage in the State having to take up as landlord the residue of the property. Under the circumstances, he hoped it would not be thought unreasonable on his part not to accede to any farther change than the substitution of two-thirds value for the proportion of three-fourths named in the sub-section.

MR. DALY said, the Prime Minister evidently thought that a great deal of danger would result to the State from its being in possession of the residue of the properties purchased; but it must be well known that outside the tenants on the estate there would always be a large number of persons ready to take up the remaining portions of the land. For his own part, he thought the State ran no risk whatever with respect to the residue of land.

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DR. LYONS regretted that the Prime Minister did not see his way to omit the sub-section. When attempts were made to combine a number of tenants for the purpose of purchasing in the Estates Court, it was found that, although at first the requisite number was forthcoming, as things went on there was a tendency on the part of the tenants to fall away and the proposal fell to the ground. As he thought it most desirable that this clause should work extensively in Ireland, he wished to see the greatest possible facilities afforded for the purchase of holdings, and therefore trusted the right hon. Gentleman would re-consider the question. Under the 1st sub-section of the clause, he did not see that the Court was necessarily bound to consider that the whole estate was involved; and he believed it was possible for them to consider any portion of the estate as the estate for the time being for sale.

MR. PARNELL said, from an expression dropped by the Prime Minister, it would seem as if he contemplated that the Commission should have the power to buy up the interests of middlemen when they held property under a fee-farm rent, in order to allow the sub-tenants to become owners. But what would become of the head rent? Would it not be possible to introduce words to enable the Commissioners to purchase it? Otherwise the Commissioners might be deterred from purchasing the interest of the middleman altogether, and the sub-tenants would thereby be deprived of the benefit of the Act and would not be able to become owners.

MR. GLADSTONE said, it would be difficult for Parliament to undertake to specify the mode in which the Commission should deal with the relations between intermediate holders and the head occupiers of estates. He did not see his way to insert any provision for dealing with that subject.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. GLADSTONE, Amendment made, in page 13, line 35, by leaving out "three-fourths," in order to insert "two-thirds."

Amendment proposed,

In page 13, line 35, to leave out the word "rent," in order to insert "rental" instead thereof.—(Mr. Warton.)

Question proposed, "That the word 'rent' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the word "rent" was deliberately introduced, and used in the proper sense. He believed, on examination, the hon. and learned Member for Bridport (Mr. Warton) would see that this was the case, and, therefore, trusted the Amendment would not be pressed.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN said, that as the clause stood, a certain proportion of tenants on the estate must agree to purchase. He thought it would be an improvement to make the qualification one of value instead of number, and, therefore, proposed to substitute for the wording of this part of the sub-section the words "tenants paying not less than one-half of the whole rent of the estate."

MR. GLADSTONE said, the Government considered that the tenants who were partly able to purchase should only form a certain proportion of the number willing to purchase. It was necessary, in their opinion, to introduce the limit, that one-half should be ready to enter into a contract with a view to complete purchase.

SIR GEORGE CAMPBELL ventured to submit that it was inexpedient to limit so strictly the number of tenants who might purchase under the fine and fee-farm system. That was a system under which the tenant might be able to obtain fixity of rent. There might be an estate in regard to which the landlord and tenants in a body agreed to the purchase of the tenures in the shape of a fee-farm rent, and it would be undesirable to shut out the estate under those circumstances. He did not think the State would suffer, if the landlord and tenant agreed together that the estate should be purchased in this form, by assisting in carrying out the arrangement. It would put an end to future litigation in the way of appeals to the Court to fix a fair rent.

Amendment proposed,

In page 13, line 36, leave out from "estate," to the end of the sub-section.—(Sir George Campbell.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GLADSTONE: It would be no matter of dissatisfaction to us to see the

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clause work extensively; but I must point out that this is a very exceptional measure, authorizing large public advances to be made with reference to one specific object—namely, the creation of occupying ownerships. The purchase by fine and fee-farm rent may be a good process in itself; yet, certainly, it is quite distinct from the method of creating proprietorship to which I have referred. It, therefore, has not a claim upon us to undertake difficulties and risks on behalf of the State to anything like the extent to which the other has. Our view is that where the Commissioners are dealing with the question of making these advances, the major part of the transactions shall be with the view of creating pure and proper proprietorships.

SIR GEORGE CAMPBELL thought the Committee would pardon him for having spoken with some partiality for the system of purchase by fine and fee-farm rent. The favourite form of peasant proprietorship in Scotland was that of feu, of which there were many instances in the burgh which he represented. He was willing to withdraw his Amendment in the hope that the Government would re-consider the matter before the Report.

*Amendment, by leave, withdrawn.*

On the Motion of Mr. WARTON, Amendment made, in page 13, line 37, after "are," by inserting "able and."

MR. VILLIERS STUART said, there were in almost every agricultural parish in England labouring men who had saved up enough money to buy small plots of land, and these were invariably the most industrious and best conducted of their class. He was anxious that opportunities should be given for establishing a similar class in Ireland. He was anxious that some provision should be made in the Bill which would have the effect of promoting in the whole body of agricultural labourers a sense of independence and self-respect—something that would raise them in the social scale and lead to a general improvement of their condition. A deputation had that morning waited upon the right hon. Gentleman the Chief Secretary for Ireland, which laid before the right hon. Gentleman some most instructive facts. One case was

quoted of a man earning only 4s. a-week, who, besides supporting a large family, paid £2 for the rent of half an acre of land during 20 years. In another case, £2 a-year rent was paid for only a quarter of an acre, and the tenant himself had built a house upon the land. The amount in the latter case represented a rent of £8 an acre. Now, if the Amendment he was about to move were agreed to, these men would have the opportunity of purchasing their holdings from the landlords by an annual payment of 12s. 6d. per annum in the case of the half acre, and by an annual payment of 6s. 6d. in the case of the quarter of an acre, instead of the exorbitant rent which they were then paying, and which would actually buy up the fee simple of the land in six years. The average price of land in Ireland was about £25 per acre; and, therefore, at 5 per cent per annum, the sum required to buy up the principal and interest would be 25s. per acre, or 12s. 6d. per half acre. The transaction would be perfectly safe for the State to enter into, for this reason. The State could borrow money at 3½ per cent, while the charge for the advance would be 3½ per cent, and out of the difference of ½ per cent a guarantee fund could be created. Besides that, there would be the security of the holding itself, in case the tenant failed to pay up the instalments. He thought some concession was due to the labourers of the kind he had indicated. As the Bill stood, the labourers would be in a worse position after it became law than they were in at present. Hitherto it had been possible for a labourer who had put by a little money to take a small farm without payment of a fine; but by the 1st section of the Bill, which dealt with free sale, a monopoly was created in favour of existing tenants against all other classes in Ireland, and the labourers would henceforth have no chance of rising to the rank of tenant farmers without payment of a fine. Therefore, he said, it was worth consideration by the Government whether some concession should not be made in this Bill to the labourer, and the question should not be left to stand over to a future time. He was satisfied, moreover, that unless some concession were made, a very serious and troublesome agitation would arise; indeed, there were symptoms of it already at that moment. For these

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reasons he hoped the Government would not hastily reject his Amendment; but if they were indisposed to accept it at once, he trusted, at all events, they would take the matter into their consideration, and try to introduce into the clauses which they had promised to bring up on behalf of the labourers some provision in the desired direction.

**Amendment proposed,**

In page 14, line 3, after "tenant," to insert "or in the case of a tenant whose holding does not exceed one half of an acre, and who is a labourer, the whole of the said price or fine as the case may be."—(Mr. Villiers Stuart.)

**Question proposed,** "That those words be there inserted."

**MR. GLADSTONE:** I need not say that very great credit is due to my hon. Friend (Mr. Villiers Stuart) for the active zeal he has shown in endeavouring to secure the introduction into this Bill of some beneficial provision on behalf of the Irish labourer. I can assure him that in the course of a few days he will have evidence of the reality of our sympathy with him in his proposal in the clause which my right hon. Friend near me (Mr. W. E. Forster) is preparing for the purpose of dealing with this subject. We feel that we can do some good by providing means and opportunities which will be very beneficial to the labourer as securing him accommodation. But accommodation is one thing—accommodation, first of all, in the use of dwellings, and, secondly, in suitable allotments; and the proposal of my hon. Friend is another. I do not complain myself of his having marked out the particular area of land named in his Amendment; but I say my hon. Friend's Motion is not to provide the labourer with the practical use and benefit of dwellings and of suitable allotments; it is to create labourer proprietorships. Now, with regard to that, I must say that I am very doubtful indeed whether it is absolutely a desirable thing for the labourer that he should invest his small savings in land. It is open to this doubt particularly. What is, above all things, desirable for the labourer is that he should not be tied down to some plot of ground which he may hold, and which positively fastens him to one spot. If you effect this you greatly deteriorate the value of the main commodity which he has to sell—namely, his labour, by

increasing the distance he has to travel in order to sell it. Therefore, I do not think that special facilities ought to be given by the State for the purpose of enabling him to become proprietor.

**LORD JOHN MANNERS** said, he was disposed to agree with much that had fallen from the right hon. Gentleman the Prime Minister with respect to that particular Amendment; but he thought the Committee ought not to put out of consideration what might and probably would be the condition of the agricultural labourer in Ireland, on those holdings which ceased to be tenancies, and became estates belonging to a new class of proprietors. It seemed to him that unless something was done to give facilities for the erection of labourers' cottages, and perhaps the creation of allotments on the estates, which, by the operation of this clause, they were going to turn into small proprietorships, they would deteriorate the actual position of a good many of the respectable labourers in Ireland. He thought that consideration should be impressed on the minds of the Government at a time when they were preparing, as he understood they were, a clause or clauses in behalf of the Irish labourer.

**MAJOR NOLAN** thought the Prime Minister might possibly be right in the view which he had taken of the effect of the Irish labourer being tied to one spot. But that, he believed, was not the intention of the hon. Member (Mr. Villiers Stuart) in moving his Amendment. From his (Major Nolan's) own knowledge, there were in some cases on the farms in Ireland small plots of ground in the occupation of labourers; and he presumed the hon. Member meant that when those small plots were being sold the tenants should be assisted to purchase them. He thought the labourers ought to be dealt with even more liberally than the large farmers in the way of assisting them to purchase their holdings. The cost of this to the Exchequer would be very small indeed; and he thought the Government would do well to stretch a point in their favour, finding the whole of the purchase money, instead of advancing only a certain portion of it. Nothing would tend to popularize the measure more than a provision of that kind, which would be regarded as a great boon to the labourer.

[Twenty-third Night.]

SIR JOSEPH M'KENNA hoped that the hon. Member for Waterford (Mr. Villiers Stuart) would not press his Amendment. There were a great many things to be considered before the plan of making labourer proprietorships could be carried into law. He thought the Committee ought to be satisfied with the statement of the Prime Minister, that the subject should have the attention of the Government before the Bill left the House of Commons. In legislation of this kind it was very necessary to guard against one thing—namely, that the labourer, having got possession of, say, an acre of land, should feel that he had no longer occasion to remain a labourer for the man who had provided a house for him. He had had considerable experience in providing residences for labourers, and he knew that it was necessary to guard this point very strictly.

MR. O'SULLIVAN hoped the hon. Member for Waterford (Mr. Villiers Stuart) would not press his Amendment to a division, but wait to see what proposal the Government had to make. If that was not satisfactory the hon. Member could bring up the matter again on Report.

MR. VILLIERS STUART said, after the kind and sympathetic tone in which the Prime Minister had referred to the proposal before the Committee, he was willing, with the permission of the Committee, to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

THE CHAIRMAN: With regard to the next Amendment on the Paper, which is in the name of the hon. Member for Carrickfergus (Mr. Greer), I have to say that that Amendment makes it compulsory on the Commissioners to purchase any estate offered by an owner at 25 years' purchase, if three-fourths of the tenants on that estate are willing to purchase their holdings. This compulsion on the Commission is inconsistent with the part of the clause already agreed to, in which it is provided that the Land Commission shall not purchase any estate unless they are satisfied with the expediency of the purchase. The Amendment cannot therefore be put. Then, with regard to the next Amendment—namely, that in the name of the hon. and learned Member for Tyrone (Mr. Litton), that Amendment cannot be put, as the Money Resolu-

tion of the House would not authorize the Committee to frame provisions attendant with charges on the Public Funds for drainage or agricultural improvements.

MR. A. MOORE said, the provision contained in the 5th sub-section, which said that the costs should be included in the purchase money, was a great boon to the tenants. He wished to know whether the Government would hold out any hope that there should be a regular system of fees in all cases of procedure in the Court? The Committee must remember that that was an attorney's Bill, inasmuch as it would bring every landlord and tenant in Ireland to the office of his attorney. He assured hon. Members that persons who had very great experience in these matters feared that the measure would result in a good deal of law, and there was not the slightest doubt that the tenants had been most shockingly imposed upon in recent proceedings under the Act of 1870. He had himself been present when an attorney's bill of £400 was claimed for in connection with the sale of only 56 acres of land, the attorney afterwards consenting to accept £300.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the matter referred to by the hon. Member would be considered with the view of supplying what was required.

Clause, as amended, *agreed to*, and ordered to stand part of the Bill.

Clause 21 (Sale to public of parcels not purchased by tenants).

THE CHAIRMAN: With reference to the Amendments next on the Paper, in the names of the hon. and learned Member for Tyrone (Mr. Litton), and the hon. Member for Monaghan (Mr. Givan), I have to point out that they appear to me to overrule the clause which has just been passed. Their object would be to give to every tenant who did not desire to buy a grant in perpetuity upon a fixed rent. But the last clause only authorized the purchase of estates for the purpose of re-selling them to tenants, and the fact of there being a residue not taken by the tenants does not exonerate the Commission from limiting themselves to the purposes for which they are authorized to buy estates. As these Amendments are inconsistent with Clause 20, and would, to a great

extent, overrule that clause, they cannot be put.

MR. LALOR said, there was no doubt that if the Commission had power to sell any quantity of land to one person a large number of so-called land-jobbers would make their appearance in Ireland. These persons would, perhaps, purchase land in large quantities and become landlords, thereby diverting the land from the object intended by Government—namely, the real benefit of the community. The men in possession of the land, in his opinion, ought to be the *bond fide* tenant farmers who would work it themselves; and as it was his desire to promote that condition of things in Ireland, he proposed to limit the quantity of land sold to one person to 50 acres.

Amendment proposed,

In page 14, line 22, after "other," insert "provided the quantity of land that may be sold to any one purchaser shall not exceed fifty statute acres."—(Mr. Lalor.)

Question proposed, "That those words be there inserted."

SIR JOSEPH M'KENNA hoped the hon. Member (Mr. Lalor) would not press his Amendment. The powers of sale of the Commission ought not to be restricted, because they were for the purpose of enabling them to recoup the money advanced to purchase the estate, and by their exercise the interest of the tenants could not possibly be damaged.

MR. BIGGAR said, the hon. Member who had just spoken had very properly put the case of land in the occupation of small tenants; but a case might arise in which the present tenant occupied a very large quantity of land, and in which it was desirable that powers should be given for more or less subdividing the holding. The case of his hon. Friend the Member for Queen's County (Mr. Lalor) was that the buyer from the Commissioners would probably be a land-jobber, who would charge an exorbitant rent for the property through a middleman. That had been the case with land bought from the Church Commissioners, when the occupiers were not themselves the buyers of the holding.

MAJOR NOLAN hoped the Amendment would not be pressed. The question of these residues was the great difficulty that the Commission on which

he sat had to deal with, and they would constitute the practical difficulty in this case. He could not see that it would be of any benefit to the tenants to have landlords limited in their estates to 50 acres.

MR. W. E. FORSTER pointed out that the enormous difference in the value of land was another objection to the Amendment. The value of 50 acres of land, for instance, in the mountainous parts of Ireland would be very small as compared with the value of 50 acres in other parts of the country.

Amendment, by leave, *withdrawn*.

LORD RANDOLPH CHURCHILL said, he wished to move the omission of the middle paragraph of the clause, which provided that the Land Commission might advance to any purchaser of a parcel under this section, on the security of such parcel, one-half of the principal sum paid as the whole price or of the fine. He did not see upon what basis this portion of the clause rested. It was easy to understand the advance of the money to a tenant, and the object of that was perfectly plain to the Committee; but here was a purchaser who might be anybody but a tenant. He would not be one of the tenants on the estate, because, if he were, he would get an advance of three-fourths instead of one-half of the purchase money. The individual would be one of the public, probably a land-jobber; at any rate, he would be a person who would have no title to claim an advance of money from the State for the purpose of making a purchase. Further, he would point out to the Government that if this purchase was *bond fide*, the purchaser would have no difficulty in raising one-half of the money in mortgage. He could not conceive any reason why the Government should advance any portion of the purchase money to persons who had no claim for such assistance. It might be urged that this was to be done in order to facilitate the disposal of land by the Commission; still he was not quite clear that this was a sufficient justification for the money of the State being advanced to such individuals as would, in all probability, apply for it.

Amendment proposed,

In page 14, to leave out all the words from "The," in line 23, to "fine," in line 25, both inclusive.—(Lord Randolph Churchill.)

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Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) hoped the noble Lord would not press his Amendment. The object of the clause was, of course, to replace the money spent by the Commissioners. The case referred to by the noble Lord did not constitute any real advance; it was simply the taking of a mortgage on the land.

Amendment, by leave, *withdrawn*.

THE CHAIRMAN: The next Amendment—namely, that standing in the name of the hon. Member for Galway (Mr. Mitchell Henry) is open to the same remark as I have applied to the Amendments of the hon. and learned Member for Tyrone (Mr. Litton), and the hon. Member for Monaghan (Mr. Givan)—namely, that it is not within the Money Resolution of the House, and therefore cannot be put.

Motion made, and Question proposed, "That the Clause stand part of the Bill."

MR. MITCHELL HENRY said, that as the Amendment he had given Notice of could not be put, he wished to speak on the clause itself. If the clause were put into operation in the West of Ireland, the Commissioners would find themselves in possession of portions of estates absolutely worthless for sale, and not fit to be inhabited by human beings. What he wanted was to give the Commissioners power to deal rationally with such property for the purpose of improving it. The Bill would be of no use whatever in the West of Ireland. The 25th clause enabled the Board of Works to do something for reclamation, but did not enable the Commission to do anything with the portions of estates which would remain on their hands unsold. [*Cries of "Agreed."*] He saw that the Government and the Committee were so impatient to finish the Bill that it would be useless for him to proceed with his observations; but he protested that the Bill would not settle the Irish Question, if the tenants of the West of Ireland were left in their present condition, which had been described during the last two or three years as shocking to the ideas of all Englishmen, and as a disgrace in the eyes of Europe. Unless

something were done in the direction he had indicated the Land Question would, in a very short time, again present itself.

LORD ELCHO said, they had just heard from the hon. Member for Galway (Mr. Mitchell Henry) that the Bill would be of no benefit whatever to the West of Ireland; but he (Lord Elcho) was under the impression that it was especially for the West of Ireland that the Bill had been introduced. Would the hon. Member for Galway kindly inform the Committee to what part of the population of Ireland it would be a benefit?

THE CHAIRMAN said, it was impossible to allow a general discussion upon the state of the West of Ireland to take place upon the Question that the Clause stand part of the Bill.

Question put, and *agreed to*.

Clause 22 (Terms of repayment of advances made by Commission).

MR. CHARLES RUSSELL, who rose to propose the Amendment of which he had given Notice, said, that it was undoubtedly true that there was no law by which they could interfere with the disposition of property once the owner was owner in fee simple. Under Clause 21 of the Bill, which he merely referred to by way of illustration, the Land Commission, as long as any portion of the advances made to tenants was not repaid, would have it in their power to prevent anything like sub-letting or the sub-division of the holding. Personally, he was anxious to establish a state of things which should lead to permanent safety and security, and it was on that ground that he recommended the Amendment to the consideration of the Committee. By its adoption security against sub-division and sub-letting would, in many cases, be secured for a period of 52 years.

Amendment proposed,

In page 14, line 36, to leave out the words "for thirty-five years of five pounds," in order to insert the words "which shall redeem both principal and interest within any period not exceeding fifty-two years at the discretion of the Land Commission, such annuity to be calculated at a rate which shall secure to the Land Commission interest at the rate of three pounds ten shillings per annum,"—(*Mr. Charles Russell*.)—instead thereof.

Question proposed, "That the words 'for thirty-five years' stand part of the Clause."

LORD RANDOLPH CHURCHILL thought that the argument with which his hon. and learned Friend (Mr. C. Russell) had supported the Amendment ought to be conclusive with the Committee. There was no doubt whatever that the moment nine-tenths of the owners found themselves in a condition to sub-let, they would sub-let, and would sub-divide the holding among their families, and with sub-letting and subdivision would occur all the evils Parliament were now desirous of curing. They had given to the Commission the power to prevent sub-letting; but the Committee ought to bear in mind that both Professor Baldwin and Mr. Robertson were strongly of opinion that an extension of time was necessary for the repayment of the advances. The resources of the tenant and the lessening of the burden of repayment would tend to prevent the old evils from recurring. He therefore thought, on the grounds of the argument of his hon. and learned Friend, and on the ground of making the terms easier to the tenant, the Committee would do well to accept the Amendment.

MR. SHAW LEFEVRE said, that the term of 35 years for repayment was that adopted under the Act of 1870. He believed that under the Irish Church Act the period was 32 years, and a considerable number of the tenants were anxious to repay long within that limit. It was considered very undesirable to extend the period of years, and he could not, therefore, support the Amendment, which proposed to prolong it from 35 to 52 years, or to carry it over nearly three generations, whereas 35 years only meant two generations. Surely, two generations formed quite as long a period as the repayment ought to be spread over. On the other hand, it must be borne in mind that the instalments, together with interest, were only to be repaid at 5 per cent; and, therefore, it was wise to retain the period of 35 years. If they could secure the holding against sub-division for 35 years, it was all they were called upon to do.

SIR JOSEPH M'KENNA hoped that the Government would not hesitate to make to the tenants the small concession that was asked from them. It would make things easier to the tenant occupiers than they were under the clause as it stood. Five per cent upon the purchase money would be a very

heavy drag upon them, and it appeared to him that it would be a great thing to set them going hopefully for the first six or seven years. If the instalments were made easier they would be more regularly paid, and the Irish purchasers would be able to keep the estate in a better condition than if they were to place a heavy burden upon them, which at first might be a strain upon them they would be unable to get over. He invited the attention of the Government to this point. The main thing that was important to the State was that the money should be repaid, and that the people should feel a moral obligation upon them to pay it. Some additional burden, spread over a longer term, would be thrown upon the tenants by the adoption of the Amendment; but one effect of it would be to increase the value of the security for repayment, because the payment would be rendered easier, and more certain. If there were an extension of time from 35 to 52 years, not only would the security remain as good as at the commencement, but it would improve from day to day. It never could be worse, and the Committee had already taken care that only three-fourths of the requisite purchase money would be advanced by the State. He hoped the Chief Secretary for Ireland would impress upon his Colleagues the desirability of consenting to the Amendment. He ventured to say that there had not been a single point brought under discussion from the time the Bill was introduced until the present moment that was of more practical importance than that now raised by the hon. and learned Member for Dundalk (Mr. C. Russell). He said that with a very lengthened experience of Ireland. He thought nothing would give more general satisfaction, or go further towards proving the sincerity and the desire of Parliament and the Government to ameliorate the condition of the Irish people generally, than for the Committee to agree to that proposition. In many cases it would make the difference between absolute struggling for the next seven years, and the rendering of things comparatively easy, and it would be giving to the poor tenants a gleam of blue sky, which had hitherto not been held out to them. He felt satisfied that his hon. Friend the Member for Galway (Mr. Mitchell Henry), if he were to enter the House, and find that this Amendment had been accepted,

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would retract every word he had said about the operation of the Bill in the West of Ireland. The proposition of the hon. and learned Member for Dundalk was the only one thing needful in order to destroy the predictions of the hon. Member for Galway as to the effect which would be produced by the passing of the Bill in the West of Ireland. And he would say, further, that nothing could go forth from the House that would more effectively show the desire of Parliament to improve the condition of Ireland. Under these circumstances, he implored the right hon. Gentleman at the head of the Government to give the Amendment the most favourable consideration. He was satisfied that there had not been a single Amendment proposed to the Committee which was anything like as important as this.

Mr. GIVAN joined with his hon. Friend the Member for Youghal (Sir Joseph M'Kenna) in impressing upon the Government the desirability of acceding to the Amendment of his hon. and learned Friend the Member for Dundalk (Mr. C. Russell). It did not ask for any further sum of money, but merely for an extension of time. The right hon. Gentleman the First Commissioner of Works (Mr. Shaw Lefevre) said the time was longer than that fixed by the Irish Church Commission; but the right hon. Gentleman omitted to add that the position of the estates belonging to the Irish Church and of the tenants who were affected by the Bill was very different. He had attended a great number of meetings of the tenants with respect to various matters dealt with by the Bill, and he had been constantly requested by the tenants in the most earnest manner to endeavour to obtain an extension of time for the repayment of the instalments of the advances proposed to be made to them. A tenant farmer might have a couple of sons and four or five daughters; he might invest in a farm for the benefit of his sons; but he might not deem it desirable to expend the whole of the money in his possession during the first 30 years in accumulating land for his sons. He would, therefore, be desirous of reducing his liabilities to a minimum. It would be very hard to ask a man within his own life to expose himself for 35 years to heavy difficulties in repaying the whole of the purchase money, and it was not a

question of loss to the State. If the State was likely to lose anything he would not press the matter as he felt bound to do now.

Mr. H. H. FOWLER thought, if his memory served him aright, that when the school boards were first established in this country, and certainly for a considerable number of years after 1870, the Public Works Loan Commissioners lent money to the school boards of England for the erection of school-houses, in regard to which the repayment of the principal was spread over 50 years, the annual payment which covered both principal and interest being only at the rate of 4½ per cent. Therefore, as an English Liberal Member, he appealed to Her Majesty's Government to treat the Irish tenants, under the circumstances of the case, in such a manner as to give them real, actual, and substantial relief, and to place them in as good terms as the school boards obtained when they borrowed money from the State for the erection of their schools. He thought his hon. and learned Friend below him (Mr. C. Russell) would feel inclined to accept a term of 50 years at 4 per cent for the repayment of principal and interest. Having regard to the present state of the money market, and the present state of credit, 3½ per cent was really a sufficient rate of interest to charge when the security was ample.

Mr. GLADSTONE: I am far from disputing the title of my hon. Friend (Mr. H. H. Fowler) to speak with authority on this subject; but from our point of view he cannot speak, and from our point of view I am bound to say that we cannot consent, on any consideration, to accept the Amendment. My hon. Friend put the case of the school boards. We were then imposing, for the first time, a heavy tax upon the localities of the country, and we strained to the uttermost the action of the Government in order to lessen the burden the present generation would bear. There has hardly been a case—I know of no instance—in which by legislation so considerable a burden was imposed upon the localities as that which was imposed by the Education Act; but we must remember what it was for. In the present case, a great favour and a boon are being offered to the tenants. I do not depreciate the value of the security which we should have upon these hold-

*Sir Joseph M'Kenna*

ings; but who can compare that security with the security of the permanent rateable property of the country, which property is permanent, absolute, and unquestionable at all times and under all circumstances? From the arguments which have been employed one would really think that the loans to be granted are to be made repayable within four or five years. The proposal contained in the Amendment involves a serious straining of the financial conscience of the Government. But there are points beyond which it cannot be strained, and I feel that I should not be keeping my implied obligations to the Members of this House, representing English and Scotch constituencies, who have consented to accompany the Government in the great length we have asked them to go towards meeting this real necessity if we were not to adhere in its main outline to the Bill we have proposed, and of this main outline this is, undoubtedly, an important feature.

**LORD RANDOLPH CHURCHILL** was extremely sorry that Her Majesty's Government had put down their foot upon this proposal. Last night he had supported the Government upon a different question, and he thought they might have dealt more leniently with the Amendment now submitted to them. They were, he thought, with great respect, making a mistake in the matter, the nature of which had been pointed out to them by Professor Baldwin. It appeared from the Report of the Comptroller General that the arrears of interest in connection with the advance out of the Church Fund on the half-yearly instalments upon the mortgaged landed property were, in 1878, £3,197, in 1879 £7,472, and in 1880 £11,817. He thought those facts proved positively that the conditions upon which they made these advances were too hard. What they ought to try to do was to make the conditions so favourable that the tenants would be able to repay the money borrowed without a heavy strain upon them. Professor Baldwin and Mr. Robertson both proved that, by extending the repayment over a longer time, they would secure the advances being repaid to the State without risk. What did it matter to the State whether it was paid back within 50 or within 35 years? Surely it was better to impose the longer term rather than run the risk in the course of

a few years of creating a general outcry in Ireland for repudiation. The figures given by the Church Temporalities Commission afforded a lesson which ought not to be passed over lightly, and it certainly appeared to him that Her Majesty's Government were about to commit a grave mistake.

**MR. GLADSTONE:** I ought to notice another point, which seems to have been raised in the nature of argument and protest. We were told, and told with perfect truth, that in the case of the Irish Tithes Commission we had extended the arrangement to about 50 or 52 years. That was so; but it was a case very nearly analogous to that of the school board rates, for this reason. The Irish landed proprietary, being generally Protestant, had had up to that time their religion—if I may so speak—provided for them at the expense of the State, by what was termed a National Institution. Undoubtedly, the effect of that Act was, at a moment's notice, to throw on that class of persons a burden which it was quite proper they should bear, and which it was not proposed to enable them to obtain by a gift of money from the State. But having a burden thrown upon them which they and their ancestors had been free from, it appeared to Parliament that it was a very good policy—and, indeed, it was a good policy—to ease them by throwing the burden over a greater number of years than otherwise would have been done. The noble Lord has made a reference to the Report of Professor Baldwin and Mr. Robertson; but I think he has made a mis-statement as to the effect of that Report. [**LORD RANDOLPH CHURCHILL:** I read it very carefully.] The general effect of that Report is to show that, in the minds of Professor Baldwin and Mr. Robertson, there is very great doubt about the propriety of the whole transaction. As far as their arguments go, the effect of the Report is to throw great doubt upon the whole scheme; and as to the rapid growth of arrears, the noble Lord must remember the bad seasons through which Ireland has just passed.

**MR. O'SHAUGHNESSY** thought that the scheme of the Government might be imperilled if they insisted upon retaining 35 years as the term of repayment. He believed there were very few Irish Members who would be found unwilling to pledge the security of the country on

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an Income Tax to be raised in Ireland for repaying the annual advances under the Bill. They would be quite willing, if they could get the advances now from the House on fairer terms, that they should stand pledged to the taxpayers of England and Scotland, not only on the credit of each individual farm and holding, but on that of the entire community of Ireland, in order to meet the annual repayments. That was an offer which he saw was not objected to by hon. Members sitting around him, and it was a test of the *bona fides* with which they were entering into the matter. Undesirable as it was that the repayment should be concluded within one generation, there were other matters that were worthy of consideration. It was not unworthy of consideration by the Prime Minister that, by giving some additional time, he would undoubtedly increase the security of the State for the repayment, because he would make the payments smaller during each year; and, consequently, the payment that might have to be met after a year of distress would be more easy to bear. Last night the Committee refused to the people of Ireland to change the total advance made by the State from three-fourths to four-fifths. He would not go back upon that question now; but having refused that proposal, it was not unfair that they should be asked now to consider whether the tenants might not be relieved in another way by an additional extension of time for repayment. He thought it would be far more advantageous to the Irish tenants to obtain some slight extension of time rather than an extension of the advances. He was not one of those who were desirous of making a peasant proprietary by placing a man in the position of mortgaging his property without any equity of redemption. He thought that would be a most unfortunate state of things; but if, without danger to the State, if without any of the evils which, no doubt, they ought to fear in transactions of this kind, they could give further facilities to the tenants of Ireland, they would do of all things that which was most necessary to make the Act a marked success. What they ought to do was this. If the Bill was to produce social content in Ireland, if it was to make the people believe, what he trusted they would be brought to believe, that they had friends in that House, and

that the House was inclined to do them justice and to make some reparation for the past, let them feel that they had some benefit coming to them from the operations of that Bill. He would take the case of a man who paid £500 for his tenancy. If they got him to pay that sum in 35 years at 5 per cent, the annual payment would be £25; whereas, if they reduced the amount of each repayment, as proposed by the Amendment, that sum of £25 would be diminished to something like £18 or £19; but a difference of £6 or £7 in an annual payment of £25 would be an enormous boon to the tenant, and would certainly increase rather than decrease the security of the State. It might be that the extreme suggestion contained in the Amendment of his hon. and learned Friend of 52 years was too long a period over which to extend the repayment, and it might be the opinion of the Prime Minister that a less period ought to be taken than 52 years without going down so low as 35 years. [*Cries of "No, no!" from the House Rulers.*] He would remind his hon. Friends who called out "No!" that "half a loaf was better than no bread;" and if they could not get 52 years, let them endeavour to press the Committee to fix some intermediate period which would give some relief to the purchaser and might be conceded by the Government. The proposal in the clause was that a man should pay 5 per cent for the next 35 years in discharge of the purchase money. Of course, that would discharge the principal as well as the interest; but, nevertheless, while the man was paying it off it would very seriously affect him to have to pay so high a sum as 5 per cent, a rate of interest they never would advise anybody to borrow money at for the purpose of purchasing land. He trusted, under these circumstances, that either now or some time before the conclusion of the Committee on the Bill, some extension of time would be given for the repayment of the purchase money, because he seriously believed that upon such an extension of time would depend the development of the principle of the creation of a peasant proprietary in Ireland.

Mr. SHAW regretted very much that the Prime Minister seemed to have decided against the Amendment. He (Mr. Shaw) had as strong an opinion as the

*Mr. O'Shaughnessy*

right hon. Gentleman could possibly have in favour of concluding such a transaction between a private individual and the State in as short a time as possible. But it did not follow that the adoption of the Amendment would have the effect, to a very large extent, of prolonging the time of repayment. It would only be in exceptional cases that the extension of time would be taken advantage of. The Irish tenantry would be anxious to wind up the transaction as quickly as possible, so that they might be in a position to deal with the property. His own opinion was strong that the average time of repayment would not be anything like 35 years. He thought there was a want of elasticity in the Government proposal. It would afford very great relief to a large class of the tenantry; but his own opinion was that the Commissioners should have the power even of taking a reduced payment for the first five or 10 years of the time. He knew a case where a man with a farm of 50 acres would, the moment the Bill passed, become the purchaser of his holding; and he did not see why the Commissioners should not have the option of taking 4 per cent at the beginning of the period and 6 per cent during the latter part of it. He thought that, upon the whole, there should be more elasticity in the clause, and more power given to the Commissioners to deal with the different cases on their individual merits. He was satisfied that such elasticity would give far greater success to the scheme; the State could not possibly lose a single shilling, because all that was asked for was a mere extension of time for repayment, full interest being given. He sincerely hoped that either in this way or in some other way tenants below a certain value would be treated more liberally. He did not think that the large tenants would be very anxious to obtain better terms; but he was sure that there was a class of tenants upon the smaller holdings to whom the State might fairly give an extension with very great advantage to all parties concerned.

MR. MACFARLANE said, he was not sure that there was very much utility in continuing the discussion. The noble Lord the Member for Woodstock (Lord Randolph Churchill) said the Prime Minister had put his foot down upon this proposition. It might be said

that he had ground it under his heel, and not merely set down his foot upon it. The right hon. Gentleman refused the proposal with great energy, and he (Mr. Macfarlane) regretted extremely that the Prime Minister should have taken that course. Although he could say nothing upon the subject which had not already been said, yet it sometimes happened that the same thing said by a great number of persons in the end produced its effect. The Prime Minister referred to the case of the school boards, in which he had given 50 years for the repayment of the sum advanced, his object being to make it easy for the existing generation. That was precisely what they wanted to do in the case of the Irish tenants. They did not want to make it difficult, if not impossible, for the Irish tenants to repay the advances. He agreed with the hon. Member for the County of Cork (Mr. Shaw), when his hon. Friend said, with his usual judgment, that the success of the Bill would be materially interfered with if that rigid line was maintained by the Government. He would, therefore, appeal once more to the Government, and ask whether, if they would not allow 52 years, at any rate to grant 45 years, and if they would not grant 45 years, let them lower the rate of interest to 3 per cent, which was about the value of the public securities throughout the Kingdom, and there would be no loss to the Crown upon the transaction. Three and a-half per cent was too high a rate to charge, with 1½ per cent for a sinking fund. If the Prime Minister insisted in securing the repayment of the money in 35 years, he would appeal to him to make the terms more easy.

MR. GOSCHEN: I do not think it fair towards Her Majesty's Government that they should alone have to conduct this debate in defence of the Consolidated Fund. I feel sure that the silence which has been observed by English and Scotch Members on this occasion is not because they disagree with Her Majesty's Government, but because they do not wish to prolong the discussion. For my own part, I wish to take my full share in any unpopularity that may be incurred in the resistance of this Motion for the further extension of time upon the Consolidated Fund. The noble Lord opposite (Lord Randolph Churchill) said it could not possibly matter to the State

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whether the money was repaid in 30 or in 50 years. Is the credit of the State such that that doctrine can be applied to every possible advance? Are we to adopt the principle that it is immaterial whether loans are made, either to public bodies or to individuals, at one scale of payments or another? I entirely agree with what has been said by the Prime Minister, that the financial conscience of the Government has been strained to the utmost in making the proposals they have made, and I trust that the financial conscience of the House and the financial conscience of the Committee will not be more elastic than that of the Prime Minister. The Government will find plenty of support when they, acting upon their judgment, yield to some of the demands which are made upon them; but I think Her Majesty's Government ought to be equally supported when they are defending the Consolidated Fund, however unanimous may be the opinion which seems to be brought to bear from one quarter of the House against it. On this point, also, let me ask whether the effect of raising the scale from 30 to 50 years might not be to increase the price which the tenants would have to pay? I think that the tenant who can borrow at 50 years is more likely to be called upon to pay a higher price to his landlord than one who could pay in 30 years. [*Cries of "No, no!"*] I think it cannot be seriously contested that the easier the terms upon which you can borrow the higher the price you will have to pay. I have been unwilling at any previous stage, owing to the fact that I was not present at these debates, to interfere with the discussion of the Bill; but I have felt it my duty on this occasion to assure Her Majesty's Government, as I am sure I can, that there are a number of Members on both sides of the House who are grateful to them for the energy they have shown in resisting this proposal, and I hope they will persevere in that course.

SIR GABRIEL GOLDNEY merely rose for the purpose of endorsing everything the right hon. Gentleman the Member for Ripon (Mr. Goschen) had said. He felt quite satisfied that no Government could agree to the proposal to extend the time of payment.

MR. DALY said, he had not intended to take part in the debate; but he would

*Mr. Goschen*

strongly recommend that, if the object of the Government was to allow the poorer classes of the tenants to purchase their holdings, the burden should be made as light as possible, and the repayments spread over a lengthened period. He quite agreed with the hon. Member for Cork County (Mr. Shaw) that it would be much better for the tenants to have a small annual payment now, even if they had a larger payment of 8 or 9 per cent to make during the last 15 or 16 years. The right hon. Gentleman the Member for Ripon (Mr. Goschen), who had just sat down, had made a somewhat curious observation. The right hon. Gentleman said that if the term for the repayment of the loan was extended, the price paid by the tenant would be greater. That would probably be true if the transaction were between the actual borrower and the actual lender; but he could not see how the price would be affected by giving a power to the tenant to purchase and to repay the purchase money within a long period, when the purchase money itself was to be advanced by the State. The right hon. Gentleman the Prime Minister had referred to money advances by the Public Works Loan Commissioners for a period of 52 years for the erection of school board houses, and the right hon. Gentleman said that Parliament had fixed the term of 52 years because it was about to impose a very heavy tax and a very serious burden upon the people. He (Mr. Daly) humbly submitted that the same consideration ought to apply here. It was obvious that if it applied to a wealthy and prosperous people like that of England, it ought much more to apply when they were about to impose a burden upon a poor and impoverished people already suffering from other burdens which had been entailed upon them. He was one of those who had all along welcomed the introduction of this Bill. He was one of those who looked to it as likely to affect very greatly the future of his country; and he was satisfied that if the scheme of the Government were carried out fairly and generously, it would tend very much to insure the prosperity not only of the occupiers of agricultural holdings, but of all classes of society in Ireland generally. He would appeal to the financial conscience of the Prime Minister, and would ask the right hon.

Gentleman if the Bill were made a real source of prosperity to the agricultural population of Ireland, what would inevitably follow? There would inevitably follow an increase in the deposits in the Post Office Savings Banks; and, as a natural consequence, it would inevitably follow that the money would be lent to the Government at £2 10s. per cent, so that it was impossible in the long run, if the scheme was to work well, that the Government would lose anything by extending the repayments over a period of 52 years. There was another matter which was also of great importance. The primary thing the Government had to consider was how they could best in Ireland help the lame dog over the stile; and just as the poor tenant was able to realize a substantial advantage from the Government proposals, so would he become more thrifty and industrious, not only for his own interests, but as an example to his sons and daughters and the rest of his family. When, after 25 or 28 years of thrift and economy, such a man would only be too ready to say—"I am getting stronger and inheriting more money every day, and therefore I will free the land from the restrictions which now prevent me from sub-dividing and sub-letting." That was only human nature; and there was no question whatever about the security. Indeed, the Prime Minister himself admitted that the security was quite as good for 52 years as for 35 years. Nor was it a question of principle, because the principle had been conceded to the wealthier population of England; and the poorer class of Ireland had a perfect right to ask for the same concession. Indeed, it would be an unreasonable rebuke on the part of Her Majesty's Government if they declined to make the same concession to the demands of the Irish Members. The claim was one which was based upon justice, and it involved no financial loss to the Imperial Exchequer; and although it was sought to spread the repayment over a period of 52 years, he believed himself that, except in a very few instances, it would not mean more than 30 years.

MR. W. E. FORSTER: I wish to point out that the good effect of the proposals made by Her Majesty's Government must depend not merely upon the liberality of the State and of the

House and of the taxpayers generally, but in the efforts which are made by the recipients themselves. I understand the proposal now made to be this—that, instead of any efforts being made by the tenants themselves, they should go on paying just about the same sum they are paying now in rent, and that, in the end, they should obtain possession of the freehold. Now, this means no effort at all. We appeal to them to make some slight sacrifice themselves, in order to obtain the benefits of this Bill; and I very much think that if we put it as a claim on their part to become prospective landlords, we shall produce a great effect in the social character of the Irish people. It is not as though we were about to deal with a people who are inaccessible to the advantages of thrift. That is a popular delusion. They are not inaccessible to thrift. It has been prophesied that the scheme will fall through on account of the short time we have fixed for the repayment of these advances—namely, 35 years. I am perfectly certain that we run no danger of this kind. We have been told that we must nurse the people into the new arrangement; but that is not the way we should treat them. We should give them an opportunity at once of doing something for themselves, and of developing a little energy and resolution. One or two hon. Members have said that there is no elasticity in the Bill. On the contrary, I believe that there is great elasticity in it. There is elasticity up to 35 years, and surely that is elasticity enough. What other cases are there in which a borrower is not required to complete a bargain in 35 years? Some reference has been made to the generations over which the repayment is likely to extend. Now, I really think that if you were to fix the period at 52 years there is hardly a man who would incur the responsibility, expecting to clear off the advances within the term of his own life. I will only mention one other fact. Allusion has been made to the advances that were made for the purposes of education. I quite agree with what has been said by my right hon. Friend the Prime Minister, that we were throwing an entirely new burden upon the ratepayers, and that it was our duty to make it as easy as possible. I may add that I was somewhat interested myself in

getting that bargain effected, and I thought that I made a very good bargain for the ratepayers. I am sure of this—that if the matter had been thoroughly discussed at the time, I should not have made the bargain I did, but that it would have been found inconvenient, and would have been regarded as setting a bad precedent. In all probability the bargain would have been re-cast; and I may add that the loans now made to school boards are on very different terms.

MR. MELDON said, that he rose to continue the discussion, although he was very anxious that the Bill should make as rapid progress as possible. But, in so doing, he wished to express his opinion that the most important Amendment which had come under the consideration of the Committee was under consideration at the present moment. The real question raised by the Amendment was, whether or not the Government scheme should, to a certain extent, fail or not? He had spoken to many of the farmers upon the subject—he had advocated its principles, and he had carefully studied the whole question over and over again; but he had always been of opinion, and he had invariably pointed it out to the poor farmers, that the scheme for establishing a peasant proprietary could not be of any good to the present generation. It was all very well to tell the farmers that they were laying aside a store for their children, and their children's children; but what they said was—"What will we, who are now in the occupation of the land, gain by becoming owners of the fee simple instead of paying rent?" The farmers in Ireland were a very clever and business-like set of men; and when they made their calculations, they ascertained that not only would they derive no benefit from the scheme at all, but that they would actually be called upon to pay—in the shape of the instalments necessary to repay the advances—a larger sum than they paid at present by way of rent. He had himself pointed out to the farmers the importance of having a freehold for their children, which at the end of 30 or 35 years should be free; but their reply almost invariably was—"Let us take care of ourselves, and let our children do the same. Why should we impose burdens upon ourselves for posterity?" Precedent, over and over again, had been

set for fixing a lengthened period for the repayment of instalments of borrowed money where the security was good. They had the precedent of the school boards, and the same precedent had been established, over and over again, in connection with other public bodies of the country. Many of them had been in the habit of borrowing money repayable in as long a period as 60 years, and the only question considered was whether the security was good. The right hon. Gentleman the Chief Secretary for Ireland asked why the tenant farmers should not be called upon to do something for themselves. He wished to call the attention of the right hon. Gentleman to the fact that before any of these advances could be obtained at all the tenant farmer was himself bound to provide one-fourth of the purchase money, and that was doing a great deal for himself. Perhaps the Prime Minister would allow him to point out that the security the Government would have for the repayment of the instalments would be increasing year by year; every farthing paid by way of instalments made the security of the Government better. He did not think that the Irish people had been fairly treated in the way in which the proposal had been received by the Committee. There seemed to be a howl against the Irish Members, as if they wanted a grant from the Consolidated Fund. They wanted nothing of the kind. The security was admitted to be perfect. As he had pointed out, it would be year by year increasing in value. He had also pointed out that over and over again there had been precedents for granting loans extending over a much longer period for purposes by no means as desirable as in the present case. It must also be borne in mind that this was a scheme which Parliament itself was fostering. Parliament desired the creation of a peasant proprietary, and had no doubt of its usefulness. He possessed personally very considerable knowledge of the subject, and he was prepared distinctly to tell the Government that they were taking upon themselves a very great responsibility if they refused the Amendment now before the Committee. No one had given more consideration to the question, and talked the matter more constantly over with the farmers, than himself; and he was in a position to de-

*Mr. W. E. Forster*

clare that they were thoroughly alive to the fact that, under this scheme, they would be called upon to provide not only a great portion of the purchase money, but a larger sum in the shape of annual instalments than they were now paying by way of rent. Unless the Bill was amended in the way the Irish Members desired, it would be found that scarcely three tenants would avail themselves of it; whereas, if a slight extension of the time for repayment was given, five would take advantage of it. He did not agree with what the right hon. Gentleman the Member for Ripon (Mr. Goschen) said about the amount of the purchase money being increased. That would not be so, but the number of cases in which the purchase would be made would be enormously increased. If it was necessary, it would be easy to give the Commissioners some discretion as to the amount of money they would advance. They would not allow the landlord to sell at an exorbitant price, because that would be a fraud; therefore, it was idle to suggest any difficulty of that kind would arise if they extended the period within which the instalments were to be paid. Hitherto he had not taken up the time of the Committee during the progress of the Bill, but, on the present occasion, he felt that he could not remain silent; and he wished to warn the Government in the most solemn way that the rejection of this Amendment would put in great peril the success of this most important part of the Bill. He certainly hoped that the Prime Minister would seriously consider the question before he rejected what was really the most important Amendment which had yet been moved.

Mr. CHAPLIN said, he could not, as everyone knew, share the views of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland in regard to the future effects of this part of the Bill. On the contrary, for his own part, he should be agreeably surprised if the clauses which related to the acquisition of land did not turn out in the long run to be clauses to pauperize Ireland. He quite recognized the force of the observations which had fallen from the right hon. Gentleman the Member for Ripon (Mr. Goschen); but if they were to embark in this scheme, they ought, at all events, to do all they could to give it a fair trial.

Judging from all he had heard, if they did not extend the time over which the repayments were to be made, he thought they would be throwing away the money they proposed to advance altogether. There was much valuable advice contained in the Report of the Sub-Commissioners, which had only just been laid on the Table of the House of Commons. In passing, he would express his astonishment at the absence of that Report for so long a time. He observed yesterday that something passed upon the subject, and the Chief Secretary to the Lord Lieutenant of Ireland said that some inquiries ought to have been made of the Richmond Commission, in order to account for the absence of the Report. Now, the fact was that the Report was sent in by the Richmond Commission in the month of January last, and its receipt was acknowledged by the Secretary of State for the Home Department; but from that time to this, for some reason or other, whether it was neglect or inadvertence he did not know, it had been withheld by the Government until quite a recent period. He certainly thought it was desirable that the Committee should have some explanation upon the point from the Government. And now what were the recommendations contained in that Report? Most of it was unfavourable to these purchase clauses altogether; but the Commissioners pressed upon Parliament that if the scheme was to be successful at all, the instalments ought to be extended over a longer period than 35 years. The Commission referred to the case of a man with a holding of 14 acres. They described the condition of that holding, and said that the state of affairs was not very favourable. The Report then went on to say that if the tenant, in addition to his rent, had to meet the instalments for the repayment of borrowed money, he would be very hardly pressed; and if the Government desired to give the system of creating a peasant proprietary a fair trial, the repayments of the instalments must be extended over a larger number of years, so that the actual payment each year would not be much more than the present rent. Personally, he saw the evils of the old system, and he should not have ventured to propose such a scheme as that at all. But what he was afraid of was that if the period for the repayment of the instalments was not ex-

tended, they would run the risk of throwing away the money altogether. The Commissioners pointed out that, whatever might be the condition of tenants elsewhere, the indiscriminate sale of holdings on such terms and conditions as those offered by the Commissioners of the Irish Church Temporalities had not done much towards creating a satisfactory class of peasant proprietors. The terms offered by the Church Commissioners differed in no material respect from the terms offered in the present Bill. [Mr. GLADSTONE: Except in regard to interest.] The Sub-Commissioners were, therefore, of opinion that if the present scheme was worth anything at all—and they were not inclined, from what they knew and had seen, to believe that it was—the period for the repayment of the advances must be considerably extended. Under these circumstances, he should feel inclined to support the Amendment of the hon. and learned Member for Dundalk (Mr. C. Russell), if the hon. and learned Member went to a division, and principally for this reason—that he (Mr. Chaplin) was afraid that if some extension of time were not given they would run great risks of the money advanced being thrown away altogether.

Mr. DAWSON begged altogether, on the part of the Irish people, in whose interests the measure was being proposed, to repudiate the idea, often put forward, that this proposed advance was an act of liberality, and a gift on the part of the British people to the Irish nation. It was nothing of the kind. In whatever way the money might be employed by the Irish people, the interest of the Imperial Exchequer was amply secured, and the whole of the advance would be repaid. He, therefore, entirely repudiated the idea that the English taxpayers were to put their hands into their pockets for the purpose of granting a charitable dole to the people of Ireland. The proposal of the Government was that the tenants should repay the advances at 5 per cent, under conditions that would be most expensive to them, nor would they receive an advance of the entire sum necessary for the purchase, but only three-fourths. The tenant would be left to his ingenuity to raise the rest, and the amount of the tax imposed upon him by way of repayment would be most severe. The right

*Mr. Chaplin*

hon. Gentleman asked the Committee to look at other cases. They had been supplied to him *ad nauseam* in the course of the debate; but he would quote another. Some time ago he had asked the Prime Minister to issue a small Commission, in order to enlighten the people of this country and hon. Members of that House as to the method in which similar questions were dealt with by other Governments. In Germany, if a tenant wished to become an owner, he could borrow the purchase money and repay it with interest. He asked the attention of the Committee to the figures, because they were more eloquent than any speech. The facts which he was referring to were published in a work upon Land Tenure by the Cobden Club. When a tenant in Germany desired to purchase in this manner, the repayment was spread over 45-12ths, or 56-12ths, according to the period at which he elected to free the holding from encumbrance. The tenant was offered 56-12ths at 5 per cent, and yet, in this case, the Government were only proposing to give a good tenant 35 years. The case he referred to in Germany was a parallel case; but a larger extension of time was granted to the tenant in that country, although the credit and the financial position of Germany was not at this moment one-half so great as that of Great Britain. He thought that afforded a complete answer to the argument of the right hon. Gentleman that he could not, with safety to his financial conscience, extend the period proposed by the clause. Personally, he (Mr. Dawson) did not think that the financial conscience of the right hon. Gentleman, or his financial capacity—which could not be over-estimated—had anything to do with the question. But, on the contrary, the right hon. Gentleman displayed too great a willingness to give in to the idea that the English taxpayer was always to be the benevolent benefactor of the Irish nation.

Mr. O'SULLIVAN said, the Irish tenants had quite enough to do to pay their present rent, and he was sure they would not see the justice of paying a large sum in addition, in order that they might purchase their holdings for the benefit of their sons and their grandsons. If a man had to repay the purchase money in the course of 35 years,

he would have to pay the whole of it himself; whereas, if it was extended over 52 years, his sons and his grandsons would have to contribute. He thought the Amendment was a reasonable one, and he would support it by his vote.

Mr. BIGGAR (who rose amid cries of "Divide!") said, the subject was too important a one to be decided in an off-hand manner; and he therefore wished to reply to some of the arguments which had been adduced, and to point out one or two considerations in the case which had not yet been placed before the Committee. It was alleged that the persons who bought up their holdings ought to make some effort on their own behalf; but the Government ought to know that the 25 per cent of the purchase money which the tenant had to pay before he could obtain an advance was a very heavy item for the tenant to raise, either from his own resources or by means of borrowed money. It was very desirable that the terms on which the Government lent the money should not be too onerous. The right hon. Gentleman the Member for Ripon (Mr. Goschen) strongly deprecated lending the money by the State for a very long term. In this case the length of time would depend very much on the circumstances of the case. If the State lent money on landed security, and only lent 75 per cent of the entire value of the holding, and charged 5 per cent for interest, he thought they ought to be prepared to extend the period of repayment over a considerable number of years. It certainly appeared to him that the terms on which the Government lent money to school boards and other public bodies, and on the security of buildings in towns, were much more liberal than those upon which they proposed to make those advances to the tenant farmers of Ireland. He believed that money lent on the security of land possessed a security immeasurably higher than money lent on buildings of such a fanciful nature as the present school board houses. Therefore, he thought that the proposition of the Government was altogether untenable. The object of the Government appeared to be to pass a Bill through Parliament which would look exceedingly well upon paper; but if it was to be passed in its present shape, he was satisfied it would be

found thoroughly impractical when they came to bring it into working order. He trusted that they would withdraw their present proposition, and frame a clause that would not only be workable, but offer a fair inducement to the Irish people to avail themselves of it. If the Government placed the terms of the advances too high, they might depend upon it that the Irish farmers would not take advantage of the provisions of the Bill. Upon all these reasons, he appealed to the Government to reconsider the question, and see whether or not they could not adopt some reasonable and *bond fide* Amendment.

Mr. BYRNE (who rose amid loud cries of "Divide!") said, he regarded the question as one of very great importance, and as likely to unsettle all the good that might otherwise be done by the Bill. It was believed when the Government introduced the Bill that their intention of allowing the tenant farmers to become peasant proprietors was a *bond fide* intention, and that they would offer the tenants substantial advantages for the purpose of enabling them to purchase their holdings; but, having drawn the line at an advance of three-fourths of the purchase money, it was unfair not only to restrict the amount of the advance, but also to limit the period for the repayment to 35 years. The principle of buying property in that way was not a new one; but it had been solved in England by the working men themselves, who had established societies for the purpose of purchasing freehold property, and had successfully carried out their operations in Rochdale, Birmingham, Bradford, Liverpool, and all over England; but hitherto these freeholds had been purchased for a political purpose, in order to confer the right of citizenship and the possession of votes upon the purchaser.

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

And it being now five minutes to Seven of the clock, House suspended its Sitting.

House resumed its sitting at Nine of the clock.

[*Twenty-third Night.*]



## LAND LAW (IRELAND) BILL.

*Progress resumed.*

Clause 22 (Terms of repayment of advances made by Commission).

*Amendment again proposed,*

In page 14, line 36, to leave out the words "for thirty-five years of five pounds," in order to insert the words "which shall redeem both principal and interest within any period not exceeding fifty-two years at the discretion of the Land Commission, such annuity to be calculated at a rate which shall secure to the Land Commission interest at the rate of three pounds ten shillings per annum,—(Mr. Charles Russell,)

—instead thereof.

Question proposed, "That the words 'for thirty-five years' stand part of the Clause."

Mr. BYRNE said, that in asking the Committee to approve of and adopt the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell), he desired to point out that it was of vast importance to the tenants of Ireland, and not only to them, but to the people of England and to Her Majesty's Government in preserving law and order, and in establishing a proper Government in Ireland. He would venture to say that if the clause was amended by the extension of time suggested, it would be a stronger weapon in the hands of the Chief Secretary than all the police and all the soldiers and bayonets in that unfortunate country. They had heard from hon. Gentlemen on the other side of the House that in discussing this Bill they ought not to be too critical as to the number of years given for payment, as by so doing they would be looking a gift horse in the mouth. This Bill, as it stood, however, was not a gift horse. It was a white elephant, and he was not disposed to be very thankful for it. A horse he could manage, but an elephant he was not so sure of being able to take in hand. If this clause was to be operative, if it was to be used and not to be a dead letter like other clauses in previous Acts of Parliament, the Committee should see that it was possible to work it as it was, or as it was to be amended. It would not be sufficient for the tenants to get the advances if they did not, in the first place, get the land at a fair price. They must extend the time for repayment over such a period that it would be possible for the farmer to pay the periodical

instalments to the Company or Association, or whoever had advanced the remaining 25 per cent to him. The right hon. Gentleman (Mr. Goschen) had looked upon this question more as a Money Vote, and as a matter affecting the National Exchequer, than as a question of Liberal policy or of statesmanship. In this matter, however, there was nothing specially for the opinion of the Chancellor of the Exchequer, or, indeed, for the opinion of any official. They were discussing the question of a broad and proper policy for the Government of this or any other country to act on. It was admitted by the Prime Minister that the question of security did not arise, or that it was ample. And then it had been said that the matter should be looked at from a commercial point of view. He, however, was of opinion that it should not be looked at from a commercial point of view. The state of things in Ireland at the present time was such that most Governments would regret, if they were not actually ashamed of it. Ireland being a part of what was called the United Kingdom, it was entitled, if not to liberality, at all events to justice and fair play. It was admitted by right hon. Gentlemen now on the Government Benches that in the past Ireland had not had justice. The condition of things which had prevailed in that country was the cause of the Committee being now engaged on this Bill. It was the cause of the Bill being now before the House, because, without some such measure of justice being meted out to Ireland, it was very doubtful what the results would be. They had also the authority of the Prime Minister for saying that if the Bill did not pass this year, the next time it was introduced it would be a stronger measure, more in favour of the tenants and less in favour of the landlords. This was not a question between the English and Irish people, but it was a question on which the English Government had arrived at that stage when they found it necessary to say—"We must, in justice to the people of Ireland, give them some instalment of that which has so long been their due." They had arrived at that part of the Bill in which they had to say by what means that instalment of justice should be given. Well, the Government in the clause that had been passed offered a certain advance to assist

the tenants to buy their freehold, and the Committee had now come to the clause which specified the terms on which that assistance should be given. The Government proposed that the repayment of capital and interest should cover 35 years, and the Amendment was to the effect that that time should be extended to 52 years; and it was stated that it would be uncommercial and unbusiness-like to look for a period beyond that. He was very happy to hear from a previous speaker that this was a time when finance was easy and when funds could be easily raised at 3 per cent; and he, therefore, could not see why the extension asked for could not be granted. It had been said that other countries had advanced money for longer periods and, in some cases, at lower rates of interest. There was one country which had not been mentioned—namely, Belgium. He would remind the Committee of this—that in the case of house property in the city of Brussels, the Government had advanced money for the purpose of acquiring house property for as long a period as 66 years. If that had been done merely for the purpose of assisting the citizens of Brussels to ornament the city, and make it something like the handsome city of Paris, surely Her Majesty's Government would be justified in extending the period of the advances to the Irish tenants from 31 to 52 years. In doing that they would not be going beyond precedent; and, over and above the red-tape view of the matter taken by Finance Ministers, there was the question of settling the disturbed state of Ireland, and assisting the Irish people at no cost whatever to England. They were not giving this money away. They were only lending on what was called good, ample, and sufficient security; and that being so—as the money was absolutely certain to be repaid—there was sufficient reason why they should extend the time for repayment. They ought, also, to keep this in view—that every year's and half-year's instalment would make the security better, and that there was scarcely any possibility of having to face, under any circumstances, a bad debt. He might refer to several instances in this country where the line was not drawn at lending three-fourths of the purchase money. In all the great towns of England, if an artizan wanted to buy his house, he could always

get the necessary sum advanced—especially in Manchester, where there were some very sharp people living, and where seven-eighths could be obtained. In this way a man could easily acquire a stake in the country. Nothing made a man a greater admirer of law and order than to hold property, and to have a stake in the country; and, in order that these happy results might be brought about in Ireland, he asked the Prime Minister and the Government to accept the Amendment and increase the period over which these repayments could be made. If they did, he hoped the Prime Minister would live for many years to see the good results of his handiwork.

MAJOR O'BEIRNE said, the people of the West of Ireland suffered a great deal more from bad harvests than did the people in other parts of the country, and they would be much less able to pay in 35 years than any of their more favoured countrymen. Seeing that the people of Ireland had set their hearts so much on having peasant proprietors, the Government should not neglect their wishes.

MR. MACLIVER said, the hon. Member for Wexford County (Mr. Byrne) deprecated this question being treated as a commercial one. It was, however, entirely a commercial question. It was a question of money. It had been suggested that the Government might issue paper, and need not advance money; but that was a complete fallacy, because, if paper were to be issued, it must surely be represented by something behind it. And then, again, the Government could not be expected to advance money for an indefinite period. The system of the Government advancing money at all in this way was something totally unusual in their experience in this country. What would be thought of an English trader if he went to the Government and said he could not take certain premises unless the Government advanced him 75 per cent? It would be delusive, if not ruinous, to do such a thing; and he was surprised that any Irish Members who had any commercial experience, or knew anything at all about monetary affairs, could come to that House and claim as they did, not merely this 75 per cent, but a great deal more—an extension of time for repayment which would be altogether out of place in any private business.

[*Twenty-third Night.*]

MR. ARTHUR ARNOLD doubted if hon. Members opposite had seen the full bearing of the proposal they were advocating. It would certainly be to the interest of the landlords if the period for repayment of these loans were prolonged to 50 years. There could not be a shadow of a doubt that if the Amendment proposed by his hon. and learned Friend the Member for Dundalk (Mr. C. Russell) were adopted by the Committee, every tenant in Ireland who set out to purchase his estate would have to give more for it than he would under other circumstances, because it would be represented that payment would be spread over 50 years instead of 35, and, therefore, that he could afford to give more for the property. He (Mr. Arnold) supported the clause, and thought that if the Committee had a close and economic regard, not only for the interests of the State, but for the interests of the tenants, they would accept the proposal of the Government. When the hon. Member opposite (Mr. Byrne) had spoken of what the towns had done in this matter, and when he mentioned the great district from which he (Mr. Arnold) came, he could not but remember that at the time when Lancashire was so sorely and deeply distressed, an Act was passed allowing loans to be granted, in which it was stipulated that these advances were to be repaid within 30 years. He should support the proposal of the Government.

MR. LEAMY said, it had been stated that this was purely a commercial question. He could not help thinking it was a question of the pacification of Ireland. ["No, no!"] Hon. Members said "No!" but those Liberals who had told them that they had been doing their best for Ireland for many years past ought to know that the great cause of the present discontent in Ireland was the land system. Why did they press the Amendment on Her Majesty's Government? It was because they believed that the solution of the Land Question would be found in the substitution of occupying ownership for the present system, and that, by passing the Amendment, they would facilitate the creation of that system of occupying ownership. The Government had spent a great deal of time and trouble over this Bill; and he was willing to admit, from a legal point of view, that its pro-

visions effected a great revolution in the law of real property in Ireland. But could it be denied that before they had proceeded to effect this revolution by their Bill a social revolution had already been effected in Ireland—that the land system had been broken down by the people. The Government were now merely attempting to patch it up by a change which, if made 10 years ago, would probably have settled the Land Question. It had been said that they must consider the question of the British taxpayer. He wondered whether they considered the interests of the British taxpayer when they plunged into and spent millions upon foreign wars? Were they consulting the interests of the British taxpayer when they kept 40,000 armed men in Ireland to keep down a defenceless and disarmed people? ["Question!"] This was the Question. They knew that if they did not settle the Land Question effectually, they never could withdraw their troops from Ireland. If they had to keep 40,000 armed men in Ireland for years, then the British taxpayer would suffer immensely. The only way for them to settle this matter was by extending the provisions of this part of the Bill; and before 12 months had passed he feared the Government would be of the same opinion. The best way to convince men that you were right was to let them see that they were wrong; therefore, he was content to see the Bill pass in its present form. When they saw litigation taking place in Ireland of a character never known before, when they saw that every man whose rent was raised was dissatisfied, and every man whose rent was lowered was dissatisfied, and when they saw, also, that all the landlords were dissatisfied, they would see the mistake they were now committing. There was one part of this Bill which had met with a good reception from all classes of Land Reformers—namely, the part before the Committee, taken in connection with the Amendment proposed. When the Government saw that all Irish Members of different politics were in favour of the Amendment, why did they not support it? It was the fashion to say—"Oh, you Irish Members are not united; if you were united, and came with a fair and reasonable proposition, it would be accepted." Well, they came now with a

fair and reasonable proposition. Reference had been made to the Report of the Assistant Commissioners, and it had been pointed out that the sales which had been held under the Irish Church Act had not, in all cases, been to the benefit of the tenants. Let them take two cases, and hon. Gentlemen would see why these purchases had not been to the benefit of the tenants. In one case a woman had saved £20 before the purchase. She was the tenant of six acres, on which she resided, and she used to hire four other acres. When she obtained these 10 acres of land from the Commissioners, she had to get indentures of conveyance, and she had to pay her £20 to a local attorney for costs. She was compelled to borrow £36, and on that she had to pay 25 per cent, and she had to raise £14 on a loan at a high rate of interest. She regretted very much that she ever purchased; and hon. Members would not wonder at it. The charge upon this woman, for interest and capital, had been more than double the old rent, and, in addition to that, she had had to pay all the rates. The Irish Members asked the Government to extend the period of payment, to lower the rate of interest, and to allow these poor people, if possible, to become purchasers of their holdings at no greater annual cost than the rent which they had been paying. If these people had been maintaining themselves on their holdings at a certain annual rent for the last 30 years, they had every reason to believe that they would be able to maintain themselves for 50 years at the same rent. Every day they were feeling more and more convinced that the time was coming when they would be owners of the land, and they would, therefore, have the stimulus to work which came from ownership of the soil. They were told that the prosperity of the State was increasing; but the Irish tenant had not improved his position—and why? It was because of the fear he had always had of being turned out of his holding. He would ask the Prime Minister whether he thought the system of occupying-ownership was good for Ireland? If he did, it was fair to ask him why he did not increase the facilities for bringing it about? The right hon. Gentleman mistook the character of the Irish people, if he believed that when one-third could, on easy terms, become the

owners of their property, the other two-thirds would remain satisfied and contented. The Government had now a splendid opportunity for putting an end to this agrarian agitation—an agitation which had come up from time to time for centuries, sometimes under a social and sometimes under a political phase. The right hon. Gentleman had his chance now. He had the whole of the great Liberal Party at his back; the landlords and tenants in Ireland agreed in the provisions of the Bill. Would the right hon. Gentleman accept the Amendment, which would, by lessening the amount the tenants would have yearly to pay, considerably lighten their burdens, and enable them to look forward to becoming the owners of their own farms?

MR. BARRY said, the Amendment was the most important which had been submitted to the Committee, and he was sure that if it were adopted it would greatly enhance the value of the Bill in the eyes of the Irish people. This was the one part of the Bill which had raised something like hope and confidence in the Irish people; but he was greatly afraid that that hope and confidence would be seriously diminished if the Amendment were not accepted. In the face of the almost unanimous opinion of the Irish Members—in the face of the strong expressions of opinion they had heard in favour of the Amendment from both sides of the Committee—it was a great mistake for Her Majesty's Government to offer such a stubborn resistance to the proposal. The Prime Minister should remember some of the circumstances of the passing of the Bill of 1870. The Government of that day might have heard some very strong expressions of opinion from the Irish Members, but they turned a deaf ear to them—they successfully resisted the appeal made to them—and what was the result? Why, it was this—that the Bill which had been looked forward to for so many years was nothing but a fiasco and a failure. The only argument offered from the Treasury Bench against this Amendment was that its adoption would be an outrage upon the commercial conscience; but that seemed to him an insufficient reason to advance. If it were an outrage on the financial conscience, from whence did the pressure come? The risk was not increased,

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the security to the State would not be in any way diminished. They were not asking for a grant from the Consolidated Fund, but only that the time of payment should be extended from 35 to 52 years. This would be a great boon to the Irish people, and no less to the Government; and, looking at the great uncertainty which attended the agricultural future, not knowing what would be the effect in the next few years of foreign competition, in the interest of the public it should be the policy of the Government to render the burden on the shoulders of the Irish tenantry as light as possible. He sincerely hoped Her Majesty's Government would reconsider this matter. He had been in correspondence with many individuals of that class of farmers who were likely to become purchasers under the Bill, and it was their unanimous opinion that if the time of payment could be slightly extended the advantage to their position would be very great—very much wider and more general. There was another important reason to be advanced in support of the Amendment—namely, that it would go a long way towards meeting English opinion on the matter of sub-division. By its adoption sub-division would be prevented for a much longer period than would otherwise be the case. He did not himself think there was much fear that in many cases the full 52 years would be taken advantage of. His opinion was that the time of repayment would be considerably shortened by the adoption of the Amendment. The effort that would be made by the Irish tenantry to secure a quarter of the purchase money would be such a severe strain on their resources that they would be left extremely bare, and with little or no capital to commence those improvements which were necessary and which they would be anxious to make after purchasing their holdings. If the term were extended it would enable them to accumulate capital, and they would be able in a few years, by the profits on their investments, to increase their instalments and to pay off the debt in a shorter period. He knew how intense was the feeling in Ireland on this subject; and he earnestly hoped the Government would reconsider their decision, and that the right hon. Gentleman would not so stubbornly refuse to concede what was demanded.

*Mr. Barry*

Mr. GREGORY said, it must be a matter of mortification to Her Majesty's Government to see the spirit in which this proposal had been, he could not say received, but met by some hon. Members; and he could not help thinking that the Government, in this matter, had gone a long way towards the pacification of Ireland. It appeared to him that they had gone to the very utmost limit to which they were justified in going, or to which they could expect to carry the Committee. They were doing that which no public Company and no individual in the country would do—namely, proposing to advance, at a very low rate of interest, three-fourths of the value of any holding that a tenant might choose to purchase. He considered that the State in that respect was in the position of a trustee for the taxpayers, and that they were bound to observe those rules which a prudent trustee would observe in a transaction of this kind; and he ventured to say that no trustee would be justified, even on the very best security, in carrying advances further than the Government now proposed to do. The Government had not only to consider this, but they had to consider what their position would be in making these advances. It was necessary, and they were perfectly justified in requiring, that the party to whom they made this advance should afford some security for the propriety of that advance by a contribution on his part of a certain amount. Unless they had that guarantee they might be wasting public money by making advances to those who were totally unfit to receive them. As he had said, the Government were engaged at this moment in operations that no private individual in the country would undertake, and they must consider not only that, but what their position would be in the future when they had to require the repayment of these advances. They would be in the position of mortgagees of property, and not only mortgagees in an ordinary sense, but mortgagees of tenantry who were impoverished, and who would have large claims upon their consideration when the instalments were in arrear through agricultural depression and other causes. They might find great difficulty in enforcing payment, and might be met by continual claims on their compassion outside the precincts

of the House as well as within. All these things should be present before the Government. Her Majesty's Ministers had before them the Report of Messrs Baldwin and Robertson with regard to the advances made by the Church Temporalities Commissioners. The Government must have had those advances in view when they contemplated the operations of this Bill. It was, therefore, not only that they were going to the fullest extent that they could go; but they had before them circumstances that must throw grave doubts upon the success of the operation, even to the extent they now proposed to go. For his own part, he did not think the Government should carry the matter one step farther than they now proposed to do. They had given the tenant every opportunity of purchasing his holding which a Government ought to afford, and beyond that they would not be justified in going.

MR. LAING said, he concurred in the view that had been expressed that it was the duty of the Committee to join the Government in resisting assaults upon the Exchequer, in order to assist agricultural operations in Ireland. He hoped the Government would resist every advance beyond the limit of 75 per cent; and he could not disguise from himself that even going to that length they had made a great stretch of their financial conscience. It was idle to deny that they were advancing further than any private individual would go at this moment in regard to landed property, and it was to be justified not on considerations of financial policy, but on general considerations. But, having taken that step, he did not think the question of whether the sinking fund would best extinguish the debt in 35 or 52 years was an important one, or one involving any financial difficulty. There must be a risk in any case, and he did not think it would be increased by adopting the longer in place of the shorter period. The risk would occur in the first few years. The first three or four years would be the critical period. The danger he feared with regard to these advances was that supposing a general repayment was fixed according to the scale on which rent was paid in Ireland, and if, soon after that was done, they had a repetition of the extremely bad seasons they had lately experienced, or an in-

crease in American competition, the Irish tenants would fall into the same plight that, he believed, the majority of English tenants had fallen into. Under the quick sinking fund, no doubt, as much would be paid up in four years as would be paid up in five years under the slow sinking fund; but, on the other hand, he thought the slow sinking fund would be more likely to enable them successfully to get over the critical period than the other. If he were, as a private individual, making the advance, he was by no means sure that he should not prefer the longer sinking fund to the shorter. With regard to the advances made to private Companies or to Corporations in England and Scotland, he did not think the case was analogous to that under discussion. The advances were made on local considerations, and not on considerations of public policy. As a matter of public policy, these advances were rather discouraged than otherwise; but, in the case of the tenants of Ireland, it was right to assume that for purposes of public policy it would be wise to encourage individuals to avail themselves of these advances. The question was one of general policy; and, from that point of view, he did not think there was much to choose between the two proposals. If the Government could see their way to meeting the wishes of the Irish Representatives, he, for one, should be very glad of it; but, on the other hand, he must say that if, after due consideration, they thought it necessary to stand on the clause, and take it to a division, he should certainly vote for them, for the reason that, like the country generally, he owed a deep debt of gratitude to the Government for having brought in the Bill, and for the manner in which they had conducted it. He could not help feeling, as a practical man, that the best way to pass the Bill was to give up their own crotchets and particular views, and to give the Government, on these contested questions, as large a majority as possible, in order that difficulties might be avoided in "another place." He would advise hon. Members opposite not to press this Amendment to a division, because they must know that they could not carry it, and that great difficulties would be placed in the way of its re-consideration by the Government. No doubt, if between this and the Report the Govern-

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ment re-considered the matter and found they could meet the wishes of the Irish Members, they would do so.

Mr. CHARLES RUSSELL said, that, as he was responsible for the Amendment, he would say a word as to the suggestion of the hon. Member who had just sat down (Mr. Laing). He (Mr. C. Russell) very much regretted that a division had not been taken on the Amendment before this. The division should have taken place at the Morning Sitting; but he was not responsible for what had occurred. He would say at once, in answer to the hon. Member (Mr. Laing), that if the Prime Minister were to hold out any reasonable expectation that the not pressing of the proposal might meet with a favourable result—he did not ask for a definite pledge with regard to its acceptance—as far as it rested with himself he should not press the Amendment to a division. But if the Prime Minister had—to use an expression more than once adopted during these discussions—put his foot down, then he failed entirely to see what he had to gain by not pressing the Amendment. Before he sat down he must say that he utterly and entirely repudiated the suggestion made by the right hon. Gentleman the Member for Ripon (Mr. Goschen), and the suggestion which had come from the other side, that this was an attempt on the part of the Irish Members to make an attack upon the Consolidated Fund. Hon. Members who said that entirely misunderstood the position of this question. The question of the amount of advance which was to be made by the Land Commission out of the Consolidated Fund was already settled, was a thing past and gone, and he did not hesitate to say yesterday—at the risk of some misconstruction on the part of some hon. Members in the House, and on the part of many more people out of it—that he did not and could not support the Amendment of the hon. Member for Monaghan (Mr. Givan), who desired to give discretion to the Land Commission to advance the whole, and moved to render it compulsory upon the Land Commission to advance four-fifths. He did not wish to see the growth of a peasant proprietary artificially forced on those who were not willing to make efforts to secure ownership. But what he (Mr. C. Russell) had advocated was that the Land Commis-

*Mr. Laing*

sion should have the power of lending up to four-fifths and no more. His Amendment had been spoken of as one which would render it compulsory on the Land Commission to allow 52 years for repayment; but that was an entire mistake. All that was desired was, in the appropriate language of the hon. Member for Cork County (Mr. Shaw), that there should be, in this respect, a reasonable elasticity in the Bill. In the measure, 35 years was laid down, and all that they proposed was that there should be a proper elasticity between 35 and 52 years. He could not understand why the right hon. Gentleman the Prime Minister should have such an intensity of feeling as he had several times manifested on this question, when the sum and substance of the whole matter was simply to give the Land Commissioners the power, if they chose in a proper case to exercise it, to extend the period for repayment. He (Mr. C. Russell) was extremely pained to hear the Prime Minister, during the speech of the hon. Gentleman opposite, applaud the suggestion that he was extremely mortified at the course taken on this Amendment. He (Mr. C. Russell) should be extremely sorry to be a party in that House to giving mortification to the right hon. Gentleman, unless compelled by a sense of duty to do so; but the right hon. Gentleman would forgive him for saying there was not the slightest cause for pain or mortification. No one had said more emphatically than he (Mr. C. Russell) had himself, over and over again, that this was a Bill of a great statesman. He had said it out of the House, and he had said it in the House, and he should never cease to think so. But surely the Prime Minister was too ungracious to be mortified at their strenuous efforts to make this Bill, upon which his (the Prime Minister's) fame would so materially rest in the future, effective for the objects for which he sought to pass it. He might be wrong in the Amendment, and he should be sorry pertinaciously to set up his judgment against the right hon. Gentleman's; but each man must act to the best of his belief. The opinion he (Mr. C. Russell) had formed, from communications made to him from many and different quarters, was, as had been already observed, that the really trying time of the operation of this Bill

would be the earlier years; and, therefore, it was desirable that the tenants should not be denuded of every penny they had in the world in the first two or three years after the purchase, they should be left some small capital to work upon. The tenantry, when they acquired possession of the land, should be in a position to develop their holdings with advantage to themselves and to the State. He begged again to repeat that this was not a question of putting their hands any deeper into the pockets of the Consolidated Fund.

MR. JOHN BRIGHT: The hon. and learned Gentleman the Member for Dundalk (Mr. C. Russell) has expressed the pain he felt at having to differ so widely from my right hon. Friend at the head of the Government upon this matter. I may say that I feel the same pain that I have to differ on the subject of this Amendment with the hon. and learned Gentleman, who knows a great deal about Ireland, and has not only written very ably about it, but has in this House rendered much assistance in carrying through many portions of this Bill. Therefore, he will understand that I do not rise immediately after him for the purpose of quarrelling with what he has said, or the temper he has shown in the observations he has made. And when I say temper, I mean the moderate and proper temper he has shown. It seems to me that the discussion of the question before us is very much like that which we had yesterday. The Government proposed £75, and Members from Ireland were, I think, unanimous in wishing that the advance should be £80 in the £100. Some who were in favour of the whole £100 being advanced by the Government moved an Amendment for the larger sum. The question, as it presents itself to my mind, and as I think it would if I were not an occupant of this Bench, is this—looking at it as a whole, 75 per cent and 35 years for repayment appears to be a broad, generous, and reasonable offer. It cannot be an unreasonable proposition. I think it might be accepted almost as unanimously by the Irish Members as it has been by some, and by Members who are not from Ireland. I hold it, therefore, to be a reasonable and great proposal, and one which I think, were I an Irish Member or an English Member sitting upon any other Bench, and looking to the mea-

sure as a whole, I should be willing to support the Government in endeavouring to carry through Committee. As I said yesterday, I have as strong a feeling in favour of this portion of the Bill as any Member of this House can possibly have, and I object to the Amendment as a friend of the policy of creating proprietary occupiers in Ireland. I object to it simply on that ground. If I did not care so much about it, if it were not a matter of interest to me, I should feel less on this question than I do at this moment. One thing is certain. If you adopt 52 years, you postpone for every man who becomes a buyer the time when he becomes entirely the owner of his property, and I think in that way you diminish in some degree the interest that he feels in his holding, and I am afraid you will thus diminish—and that was the argument used by my right hon. Friend the Chief Secretary for Ireland—the stimulus you wish to give the cultivator—and which is nowhere more required than in Ireland—to do his very utmost to redeem himself and the land from the burden which for so many years must rest upon him. I think one of the great misfortunes of Ireland, partly owing to the system of land tenure, and partly to long habit, is that there is great slovenliness in cultivation. I say nothing as to the desire of the Irish people to save money, because I believe they carry their thrift absolutely to penuriousness, and make more sacrifices to save than probably any other class of persons in the Three Kingdoms. But, owing to the state of things in the country, there is great slovenliness of cultivation, and, therefore, the stimulus ought to be the greater. Another thing presents itself to my mind. If you were to agree to advance the whole of the amount, and then fix a long period for repayment, you would have every tenant in Ireland immediately anxious to become the purchaser of his farm. Hon. Gentlemen would say it would be a very good thing if all the tenants were in possession of their farms. I do not deny that at all in bulk; but I say there are a great number of tenants to whom, at present, I think it would be no great blessing to be in the position of owners. I have no wish to drive out landed proprietors from Ireland. I should like to see estates in Ireland from £10 up to £10,000, so long as land is free, and

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not held by the force of law. Then let great, and middle size, and small estates exist, as they naturally would exist, throughout the country. Any proposal for driving out proprietors from Ireland is one which I should say was not warranted by a sense of justice, or a real knowledge of what is best for a population. Suppose you gave a larger advance, or a longer period for repayment, you would, in my opinion, urge beyond what is reasonable and useful, the tenants of Ireland to buy their farms on any terms, and I believe the result would be that there would be, as there always is—I am not blaming the Irish tenants for it, for probably all men would do the same—there would be a rash rushing forward to obtain possession of farms at almost any price, and I believe that would tend very much to increase unduly the price of land in Ireland. Perhaps you might give the proprietors whom you get rid of—and that might be a consolation to Gentlemen opposite—a larger price than they would otherwise get; but I believe the ultimate result would be that the tenantry would lose as much on the one side as they would gain on the other. The hon. and learned Member for Dundalk, following the hon. Member for Cork County (Mr. Shaw), spoke of elasticity in regard to this matter. Why should not the Commission have power to do as they liked for the 52 years? Elasticity must act within 52 years, and by the present Bill within 35 years. But if you put 52 years in the Bill, the very same thing would happen as with 35 years. The 52 years would become the rule in the one case, and the 35 years would become the rule under this Bill. We know there are persons—I hope there are many such persons—who would not require 35 years; who would be anxious to pay off their liability much within that time; and, in so far as the action of the Commission went, I believe that if the Amendment were carried it would be laying down a rule from which the Commission could not in any considerable degree, if at all, swerve, and the 52 years would be a common line with regard to this question. That, I think, answers the argument upon which the hon. and learned Gentleman laid some stress. The fact is, there never was a Commission or a Court established, I believe, by any sane assembly that had more power

given to it, and in which there was more elasticity, than there will be in regard to this Court. When you come to a question of money, and it has to be advanced or repaid, it appears to be absolutely necessary and wise to fix the point beyond which the Commission shall not go. If you do not fix upon such a point, we know not where they will go; but if you fix the point at 52 years, I have not the smallest doubt that that period will become the rule throughout the whole of the transactions under this Bill. I said I was as much interested as any living man in the success of this measure; but my opinion is that the success of the measure will be more consulted by adopting the line of 35 years than the line of 52. I do not wish to see a great rush of the tenantry of Ireland to get all their farms under this Bill. I would rather see it work steadily, beginning with a moderate number of applications on two or three considerable estates in the first few years, and increasing as experience followed with the growth of the whole scheme; but I believe it is possible you might invite or induce so many tenants to buy that in case there should be any considerable fall in the value of land, and in rents a corresponding fall, and a fall in the price of products in the next few years, you might have hundreds, and possibly thousands, of tenants who, having become possessed of their farms under this Bill, found themselves in great difficulty, and would then turn upon Parliament and the Government and say we had invited them and urged them to a course which had produced great embarrassment, and possibly ruin, to many of them. That is one very strong reason we have for adhering to the 35 years' rule. I am sure that in great transactions like these it is far better to proceed steadily, and within lines which you feel you understand, than to go beyond them and run the risks we think we might if we were to invite tenants, with little consideration and much recklessness, to endeavour to become the owners of their farms. These are the reasons which make me believe—and not because the 35 years' limit is in the Bill, for I held this opinion before the Bill was framed, and which I should hold now if I sat on any other Bench—these are the reasons why I am satisfied, profoundly anxious as I am that this Bill,

*Mr. John Bright*

and this particular part of it, should become a great success in future years, we shall do wiser by taking the Bill as it stands than by taking the Amendment offered by my hon. and learned Friend.

MR. M'COAN said, he would confess that the speech of the right hon. Gentleman (Mr. John Bright) staggered his intention to address the Committee; but there were one or two considerations which he thought would justify him in intruding on the Committee for a few minutes. He felt that the Premier in making the offer of a three-fourth's advance for 35 years had, from his point of view, done a very generous thing for the Irish people, and made a concession for which the Irish Members would be grateful. When, however, the right hon. Gentleman the Member for Ripon (Mr. Goschen) intervened in the debate, his respect for that right hon. Member's financial conscience was not equally strong. The difference between the consciences of the two right hon. Gentlemen was as wide as the poles asunder. He felt a little "riled"—if the Committee would forgive a homely expression—at the unfriendly spirit in which the right hon. Gentleman (Mr. Goschen) had spoken of Irish interests. It ill became the right hon. Gentleman to manifest such a spirit, and his financial conscience should not be so tender. His financial antecedents might have made him less liberal on questions of this kind; but when he assumed a tone of authority, and pronounced strongly against the Irish people, he (Mr. M'Coan) felt it his duty to express his opinion of the right hon. Gentleman's action. Both the Irish people and the Government appeared to be in accord in the feeling that the real solution of the Irish agrarian difficulty was the establishment of a peasant proprietary. The Irish people and the Irish Members had looked forward to this part of the Bill as the one grand cure for the evils of the present land system in Ireland; and they had hoped, when the limit of 35 years was fixed, that that term would be extended, or, failing that, that a lower rate of interest than 3½ per cent would be charged, if the whole of the purchase money were not granted. But when the Government put their foot down and adhered to 35 years, they were not carrying the concessions in this Bill very much beyond the Bill of 1870,

which was practically a non-success. The main inducement to the Irish tenants to avail themselves of these purchase provisions would be the hope of purchasing at a cheaper rate than their present rents. The existing generation of Irish tenants would not be greatly tempted to go and buy their land at the cost of an increase; but they would be tempted by an extension of the term for repayment, or a reduction in the rate of interest. Unless the tenant was shown that by purchasing his farm he would obtain a practical reduction of his present rate, he would not buy, but would leave his sons or grandsons to do so, and be content to avail himself of the "three F's" clauses. Seeing that the Government would incur no danger, he thought it was not asking an undue concession from the Government to ask the Prime Minister before Report to re-consider the determination to which he had hastily come to-day. If the Premier would make some concession, however small, it would be gratefully regarded by the Irish Members; and in the future stages of the Bill the Prime Minister might, he believed, rely upon their support.

SIR STAFFORD NORTHCOTE: I must say that I think that this discussion is an illustration of the inconvenience which arises from boldly throwing aside all the rules of political economy, and telling us that there are higher motives which ought to guide us in our dealings; but really I do think that the proposal which is now made is one which the House would be very unwise to assent to. We have before us a most liberal proposition on the part of Her Majesty's Government, and I own I think, if it sins at all, it sins on the side of being too liberal. The immediate effect of a proposal of that sort is to suggest demands for something further; and if I rightly understand the hon. Gentleman who has just sat down (Mr. M'Coan) his contention is that the tenant should pay something less than his present rent, and finally become the owner in fee simple of the land he occupies. These suggestions remind me of the passage in Horace—

"Dum septem donat sestertia, mutua septem  
Promittit; persuadet uti mercetur agellum."

We are to give certain advantages to the tenant with one hand, and promise him loans with the other, persuading

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him by all means to be so good as to buy his holding. We are told that his position as a tenant under the Bill will be so excellent that he will need a great deal of persuasion to buy, and we must offer something still sweeter than we have offered him before. If we go on in this way, heaping temptation on temptation to induce the tenant to take our terms, the conclusion one must come to is that we are on a wrong path. For myself, I confess that I do not like the proposals which have been made by the Government. I have endeavoured, as far as I can, to accommodate myself to them; but I am certainly not disposed to go beyond them.

MR. T. D. SULLIVAN said, he wished to join in the appeal to Government to re-consider the position they had taken in regard to this Amendment. The Irish Members had been met with a plea that this touched very nearly the financial conscience of the Prime Minister; but that financial conscience of the Prime Minister was not so tender when he was heaping additional financial burdens upon Ireland some years ago. They had found out, from time to time, all through the history of their country, that the consciences of English Ministers, and of the English Government, had stood very much in the way of justice to Ireland. At one time a religious conscience was in the ascendant, and Ireland suffered centuries of persecution. England's political conscience had imposed subjugation on Ireland, and the destruction of Irish liberties.

THE CHAIRMAN: The hon. Gentleman is going much beyond the Question.

MR. T. D. SULLIVAN said, he was using these illustrations to show that the idea of a financial conscience ought not to be allowed to stand in the way of any concession of ordinary justice to Ireland. The commercial conscience of England had resulted in the ruin of the trade of Ireland. What should be the first dictate of the financial conscience? To pay what you owe; but had England paid to Ireland what she owed her? No; neither from the financial point of view, nor, indeed, any other, had she discharged her debt to Ireland, and the Prime Minister had admitted the fact. England owed Ireland hundreds of millions of money; England had pauperized Ireland, and still owed her a very large

debt of reparation. England had robbed Ireland by over taxation.

THE CHAIRMAN: The hon. Member is not confining himself to the Question before the Committee, which is whether 35 years shall remain in the clause?

MR. T. D. SULLIVAN, continuing, said, they were told that the Prime Minister had put his foot down; but a well-known American writer had said that no man could go through the world with his foot down. The Prime Minister had put his foot down before now, and had also had to take it up again. There was quite as much honour sometimes in taking a foot up as there was in putting it down; and he thought the present was an occasion when the Prime Minister might very properly, if he had put his foot down, take it up again. It was all very well to speak of smoothing the passage of this Bill; but surely the great object was not to smooth the measure in Parliament, but rather to smooth it for Ireland. The proposal was a reasonable one. It would cost nothing to the English Exchequer; and he urged the Prime Minister, seeing that Irish opinion was so unanimous, and that the proposal was supported by reason and common sense, not to stand upon the financial consideration he had dwelt upon, but to improve the Bill in order to commend it to the Irish people, thereby adding to the chance of its producing the great results desired.

Question put.

The Committee divided:—Ayes 152; Noes 70: Majority 82.—(Div. List, No. 297.)

MR. M'COAN proposed, in page 14, line 37, to leave out the word "five," in order to insert "four." The Government, he remarked, had resisted the appeal of the Irish Members to extend the term of 35 years, and they had been justified in that by the division; but he felt that he had just as much faith now as he had before in the friendly desire of the Government to do what was right to the Irish farmers. He would, therefore, urge upon the Prime Minister, as he would not consent to extend the term for the advance, he would consent to a reduction of the interest to be paid on the advance. The proposal would not prejudice in any way the Imperial Exchequer, and he hoped the Prime Mi-

*Sir Stafford Northcote*

nister would therefore be disposed to accede to it.

Amendment proposed, in page 14, line 37, to leave out the word "five," in order to insert the word "four,"—(*Mr. M'Coan*,)—instead thereof.

Question proposed, "That the word 'five' stand part of the Clause."

MR. GLADSTONE thought the hon. Member could really not be serious in making this proposal, because it was asking the Government to deduct £20 out of every £100 which was to be paid back to the Government. That was a proposition which only required to be stated to be rejected, and he was sure the hon. Gentleman would not press the Amendment.

MR. PARNELL said, he did not think the proposition was so absurd as the Prime Minister supposed, and thought that the right hon. Gentleman rather overstated the case against the Amendment when he said that the Amendment asked the Exchequer to make a present of 1 per cent to the tenants per annum.

MR. GLADSTONE: I did not say that; it is one-fifth for the whole of the advance.

MR. PARNELL said, he understood that the State in this country could borrow money at 3 per cent. [*Mr. GLADSTONE: Oh, no.*] He understood the State could borrow even at  $2\frac{1}{2}$  per cent, Consols being above par. If that were so, the Government would be able to pocket  $\frac{1}{2}$  per cent per annum from the transactions under this Bill, at the very least. That would be charging the Irish tenant  $1\frac{1}{2}$  per cent more for money advanced than they would have to pay themselves. When they saw the United States Government funding its National Debt—the old Debt—at  $3\frac{1}{2}$  per cent, and looking forward to a time when they would be able to fund it at 3 per cent, it was not unreasonable to suppose that the Government would always be able to borrow at 3 per cent, and for a short time at  $2\frac{1}{2}$  per cent. He would suggest that, as the interest had been calculated at  $3\frac{1}{2}$  per cent, in making out the financial payment at 5 per cent, leaving  $1\frac{1}{2}$  per cent for a sinking fund, 3 per cent interest should be taken, that being the rate at which Government were borrowing money in the open market, and that these holdings should be charged with an annuity of  $4\frac{1}{2}$  per

cent over 35 years, instead of 5 per cent; otherwise the Exchequer would make an annual profit of  $\frac{1}{2}$  per cent on every £100 they advanced.

MR. GLADSTONE said, that what he had stated was a very simple proposition—a much more intelligible plan than any other. But when the Government proposed to obtain 5 per cent for principal and interest for 35 years, 4 per cent was offered them, and that meant deducting 20 per cent of interest and 20 per cent of principal. With regard to the hon. Member's description of the money market, and the power of the Government to borrow, he must say it was exceedingly kind of the hon. Gentleman to instruct them on questions of finance; but he denied that the British Government could borrow at 3 per cent. If they went into the market at the present moment for £20,000,000 at that rate they could not get it. But that was not the question. It was not like the case of £20,000,000 for the emancipation of the slaves, when the Government had to borrow the money at once; for in this case that would have to be done over a series of years, and  $3\frac{1}{2}$  per cent was the rate at which over a series of years the Government could borrow. But did the hon. Member suppose that all the operations could be conducted, the balances kept, offices maintained, and salaries paid without any addition to the charge? Did he (*Mr. Parnell*) suppose that if he were turn banker he would be able to lend money at the same rate at which he borrowed? This sort of instruction was a thing no one who had been in a responsible position could accept, and he could not but regret the pertinacity with which these proposals were followed up one after another in a matter where it was impossible for the Government to yield.

MR. SHAW hoped the Amendment would not be pressed, and said, in a case where the Government were making concessions which might amount to a large sum of money spread over many years, it would be impossible for them to lend so close up to the borrowing rate. They must have a margin, and he thought the margin was so small that the Government would not gain anything. At the same time, he hoped the Prime Minister would not think the Irish Members acted unnaturally, for this was a question which had been

very prominently before the Irish farmers, and the Irish Members were anxious to see the Bill made as acceptable as possible to the farmers. Still, he hoped his hon. Friend would accept the provision as it stood.

MR. M'COAN suggested, with a view to saving the time of the Committee, that "four and a-half" should be substituted for "four" in his Amendment. He did not, he said, do this in any haggling or bargaining spirit, but with the hope that  $4\frac{1}{2}$  per cent would supply a sufficient margin for the Government.

THE CHAIRMAN: The hon. Member cannot amend his Amendment in that way. The proposal before the Committee is that the word "five" stand part of the Bill. That is a question which it is possible to withdraw, but not to make an Amendment to.

MR. M'COAN asked permission to withdraw the Amendment.

MR. GLADSTONE objected to the withdrawal of the Amendment.

LORD RANDOLPH CHURCHILL thought the objection of the Prime Minister to the withdrawal would not do much to promote the progress of the Bill, and said there was no precedent for an hon. Member being refused leave to withdraw an Amendment, not by the Committee, but by the Prime Minister.

MR. GLADSTONE said, he did not insist upon the Amendment at all, but the time of the Committee was occupied by a multiplication of these proposals; and if this Amendment were withdrawn without the judgment of the House being taken upon it, it might be revived on a subsequent occasion, and further time taken up by discussing it.

MR. E. STANHOPE pointed out that the question was whether "five" should stand part of the clause. The Committee could perfectly well decide upon that, and then "four and a-half" could be proposed.

MAJOR NOLAN said, the Irish Members attached very great importance to the difference between 5 and 4 per cent, and suggested that the Government might make up the difference by means of the Church Surplus Fund.

MR. MITCHELL HENRY wished to remind the hon. Member for the City of Cork (Mr. Parnell) that whatever the rate upon which a country might borrow money at a particular moment, its credit depended upon whether there was peace

within its borders. The reason why the United States could borrow at a reduced rate was that they had composed their differences, and become one united nation. The hon. Gentleman had been engaged throughout in reducing the credit of this country.

THE CHAIRMAN: The hon. Gentleman is travelling altogether beyond the Amendment.

MR. MITCHELL HENRY failed to see that an argument showing why the Government of this country could not always borrow at 3 per cent was not germane to the question. He denied that the Government would make a profit on its advances; and he was convinced that the rate at which a country could borrow depended entirely on the relations she had with the external world. These proposed advances would be made, not on the credit of England, but on the credit of the United Kingdom; and that credit depended on whether this Bill would make the country so united that there would be no desire for a dissolution of the Union, and whether people would be willing to pay the proposed rate for 35 years. If they were not, they could not borrow at 3, or 6, or even 7 per cent; and Gentlemen who accepted the low rate were bound to maintain the credit of this country by ceasing their efforts to dissolve the Union.

MR. RITCHIE stated, that of all the witnesses examined before the Agricultural Commission in Ireland, not one advocated a less interest than 5 per cent on advances for the purchases of holdings. He was sure the Government could not advance money safely at a less rate.

MR. BIGGAR remarked, that the Prime Minister seemed to think that the Committee should agree at once to his terms without hearing what could be said against them; but, with all deference to the right hon. Gentleman, he (Mr. Biggar) did not think that was the proper way in which to conduct an important Bill. A charge had been made against the Irish Members collectively that whenever an attack was to be made on the British Exchequer, they were unanimous in support of that attack; but, for his part, he had as frequently voted against proposed grants for Irish purposes as in favour of them. As to the present question, it was known that 3 per cent was rather above the market

price, and he did not see why the Government should make a profit of  $\frac{1}{2}$  per cent on loans, when the interest and security were undoubted. The principle upon which the Government were now acting was very different from the principle on which they acted in regard to the Bill of last year. When they were proposing to lend money to landlords, they offered the loans at 1 per cent, and gave one or two years free; but when they were dealing with the unfortunate tenants, they wanted  $3\frac{1}{2}$  per cent from the first day of the advance. A great deal was said as to the gratitude due to this very Liberal Government; but he failed to see with any great clearness that, if the farmers had to borrow at this high rate, any great gratitude was due.

Question put.

The Committee *divided*:—Ayes 196; Noes 35: Majority 161.—(Div. List, No. 298.)

Clause *agreed to*, and *ordered to stand part of the Bill*.

Clause 23 (Provision as to purchases and sales by Land Commission).

THE CHAIRMAN: There are several Amendments to this clause of the same kind as that of the hon. Member for Wicklow (Mr. M'Coan)—namely, to require corporate bodies to sell their property upon compulsion. One Amendment makes it compulsory on Corporations and Companies, and a further Amendment extends the obligation to limited owners to sell their estates to the Land Commission. Parliament has been careful to protect the rights of property by various Standing Orders. These Orders are ordinarily applicable to Private Bills; but wherever it appears that private rights of property are affected by a Public Bill it is usual to refer such Bill to the Examiners in order to ascertain whether the securities provided by the Standing Orders have been afforded to the parties interested. On no matter has Parliament been more particular than in making provision for the compulsory purchase of lands. Undoubtedly, there is a distinction between a Private Bill and a general measure of public policy; but I believe it to be without precedent for a Committee on a Public Bill to entertain an Amendment which, without Notice and without the consent

of the parties interested, proposes to take compulsorily the lands of a particular class of proprietors, and, so far as I am concerned, I am not prepared as Chairman to make a new precedent. This Amendment, therefore, cannot be put.

MR. LITTON: Does this ruling apply to the Amendment at line 12?

THE CHAIRMAN: No; I do not think it does.

MR. LITTON said, he had placed an Amendment at line 12 which he thought would be of great value. The Irish Church Commissioners, under the Irish Church Act, were not only authorized but directed before they sold Church property, to offer to the tenant of that property the opportunity of purchasing their holdings by way of a right of pre-emption; and he suggested that the Committee might add a similar provision to this clause. The question of corporate estates in the North and other parts of Ireland had excited a great deal of interest; and if corporate bodies, looking forward to future legislation, were disposed to offer their estates for sale, it was desirable that they should not be at liberty to sell to private individuals until they had offered to the tenants the right of buying on equitable terms. The words he proposed to introduce were taken from the Church Act of 1870, and would carry out the principle of that Act, that public bodies should not be allowed to sell their estates to private individuals regardless of the claims of the occupiers.

Amendment proposed,

In page 16, line 12, at end of Clause, add "No body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, shall sell to the public the fee simple of any land which is held immediately from or under them by virtue of any lease or tenancy in writing until they have given notice to the lessee or tenant that they are willing to sell the fee simple to him for a price to be fixed by the Land Commission, and such lessee or tenant has declined to accept their offer within the prescribed period."—(Mr. Litton.)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, that he had to make the general acknowledgment to his hon. and learned Friend (Mr. Litton) that there was in this Amendment and in the subject-matter with which the Amendment was connected, what well deserved the attention of Parliament; but he was afraid that he could not go

further than that there were many observations to be made on it. One, for example, was that many of those parties had no power to sell, as he (Mr. Gladstone) understood, their estates. They had power given them under the Bill to sell to the Commission, but no sale otherwise than to the Commission. Then, it must be very hard upon any body, whether they held the land under mortmain or not, to place them under limitations of this kind with respect to each particular part of an estate which they held, because they might produce such a honey-combing of their estates as might be inconvenient and objectionable in the highest degree. But he would base his objection on the more general ground—namely, that however important it might be, it was not in its place in the middle of the clause. These were clauses for regulating purchases by the Commission, and this proposal was entirely independent of that. He would rather, therefore, stand on that point as a more comprehensive objection than to prosecute the matter in its present shape. It did not even take in the matter on grounds of public policy.

MR. T. P. O'CONNOR wished to elicit some information from the Government with reference to the question which they had just decided; and, to put himself in Order, he would end with a Motion. ["Oh!"] Well, for reasons which were perfectly justifiable to his mind, he was entitled to take that course. If he caught the ruling of the Chairman aright, the Committee were precluded from considering the question of compelling Companies principally in the North of Ireland to sell their estates—that was, that it would not be permissible for a private Member to propose in this Bill the insertion of any clause to have that effect.

THE CHAIRMAN: Without safeguards provided already by Parliament for that purpose?

MR. T. P. O'CONNOR: Quite so; without the necessary safeguards. What he wished to do was at once to learn from the Government whether they were prepared to take that matter in hand, because the ruling would be quite compatible with a Minister of the Crown dealing with this question. From what he knew, especially of the North of Ireland and from several Members of that part, the opinion there was very strong

that the experiment of establishing peasant proprietary should begin with the properties that were under the control of those Companies; and therefore he thought it was only due to the people of the North of Ireland, who were looking forward to this matter with the gravest anxiety, to tell them whether they had any reason to hope that the Prime Minister would, in the course of the next week or so, consider whether there was any way of dealing with this question. To put himself in Order he would move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. T. P. O'Connor.)

MR. T. COLLINS could scarcely believe it possible that the Chairman should rule that power should be denied to a private Member upon a question of public policy in a Public Act to move any single clause dealing with the rights of private individuals, and to allow a Minister of the Crown that power. It was impossible to conceive that Ministers of the Crown had any special privileges of that kind.

MR. GLADSTONE said, it would appear that Ministers of the Crown had certain duties or privileges with regard to the taxes laid upon the people and to questions affecting the property of the Crown; but they had no privileges with regard to property other than those which he had described. In answer to the questions which had been put to him, he must repeat that it was really and absolutely beyond his power and that of his right hon. and learned Colleagues, engaged, as they were, with the Bill and the consideration of Amendments upon it, in the course of their ordinary Business to touch this matter. He made this frank admission, that if he endeavoured to introduce it into the subject-matter of the Bill, even if it were politic, that it could not be done.

MR. PARNELL said, the question of corporations and absentees was undoubtedly a very important one. He did think that it might be in the power of the Government to draw some distinction between absentee landowners and residential landowners. It had always, in Irish legislation, been the practice to draw a practical distinction

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between absentee landowners and those who resided in Ireland; and there were a great number of the large owners in Ireland whose estates were rented at the present moment at a fair rent, but who, very probably, under the provisions of this Bill, might be tempted to raise those rents. A practical way to meet the absentee difficulty would be to prevent absentee owners from raising their rents any higher than they were at present. It surely would not have been too much to ask for the tenants on the estates of absentee owners that the Government should consider whether it would be fair to allow those owners the same right to raise their rents as other Irish landowners had, or whether they might not impose some limitations on them. This was a matter which would not press upon the absentee landowners very hard—at any rate, those of them who had allowed their estates to remain at a fair rent; but some of them might feel that when this Bill was put into operation that they were put on their strict rights, and they might make a move in the direction of rent-raising, which might cause great confusion and strife on the estates in Ireland. Therefore, he hoped when the Government had had its attention called to this matter that they would consider whether they might not insert a clause in the Bill depriving absentee landowners of the right of raising their rents any higher than they were at present.

SIR GEORGE CAMPBELL said, that he had paid a great deal of attention to this subject, and he had come to the conclusion that from an Irish tenant point of view there were no landlords so good as the absentee landlords. They did not worry their tenants or interfere with them, and they did not take excessive rents. What he had found was that the agents of the absentee landowners were something like Indian collectors, for they had a great deal of sympathy with the people, and they entered into their feelings and were inclined to do the best they could for them.

SIR STAFFORD NORTHCOTE said, the hon. Member for Kirkcaldy sometimes told them that they were wasting time by discussion. He hoped that the hon. Member would except the present discussion from that censure.

MR. T. P. O'CONNOR said, he would withdraw his Motion to report Progress.

He did not wish to interfere one moment longer than was absolutely necessary; but he had a strong impression that the Companies themselves would be as glad to sell as their tenants would be glad to buy, and he was sure that there was nobody in "another place" who had the least desire to preserve these Companies in their property.

Motion, by leave, *withdrawn*.

MR. LITTON asked leave to withdraw his Amendment, remarking that the explanation of the Prime Minister was most satisfactory.

Amendment, by leave, *withdrawn*.

Clause *agreed to*, and *ordered* to stand part of the Bill.

Clause 24 (Conditions annexed to holdings whilst subject to advances).

MR. GLADSTONE proposed to omit sub-section

"(a.) The holding shall not be sold by such proprietor without the consent of the Land Commission until one-half of the whole charge has been discharged."

They had considered this matter, and they had come to the conclusion that this limitation was unnecessary, and would restrict the purchaser's power of borrowing. He did not see that the Land Commission had any interest in this restriction.

Amendment *agreed to*; sub-section *struck out* accordingly.

MR. LALOR moved the omission, in page 16, line 22, of the words "or sub-let." He said it was generally agreed in Ireland that tenants would purchase under this Bill, and if these landlords were allowed to grow up in Ireland on the strength of this Bill they would be the very worst class of landlords. The people of Ireland had a great objection to these purchasers being allowed to sub-let the land. Instead of sub-letting, however, it would be in the power of the Court to allow them to sell it, and thus get rid of it.

Amendment proposed, in page 16, line 22, to leave out the words "or sub-let."—(*Mr. Lalor*.)

Question proposed, "That the words 'or sub-let' stand part of the Clause."

MR. GLADSTONE said, that the hon. Member (*Mr. Lalor*) wished to take

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away one limitation, in order to impose one of a different character. The Government thought that they ought not to sub-let while being largely indebted to the Commission. But considering the Amendment, and fully admitting that there was considerable practical truth in what the hon. Member had said about the abuse by the small landlords of their powers, still he did not think that it was possible to affect with a perpetual disability a certain proportion of the land of the country in regard to the powers which the proprietor of that land possessed of setting out the land as he pleased. However well the Amendment might be meant, it was one that they could not agree to.

MR. PARNELL was sorry that the Prime Minister did not see his way to accept this Amendment. The large holders of Ireland might purchase them under the Purchasing Clauses; and he very much feared that one of the results would be that pointed out by the hon. Member for Queen's County (Mr. Lalor), that they would have such persons, after having benefited by the action of the State in putting an end to one system of landlordism, setting up another and a worse system of landlords than that which existed before. He thought that the principle which his hon. Friend sought to have recognized was a very fair one. The State stepped in and did a very unusual thing. It offered to lend money to those tenants for the purpose of enabling them to become owners of their holdings. It did that from the point of view of public policy; and, of course, if the State pleased to impose on that transaction a condition that that land should not be sub-let by the new owners, he did not see how the new owners, taking advantage of the arrangement, could grumble at such a limitation. If they did not wish to be owners under that limitation, they could remain tenants, and they would have nothing to complain of. But if they wished to become owners under the limitation that the House of Commons pleased to affix, he did not see why they should complain of the limitation. There was another way in which this question might, perhaps, be dealt with—namely, by making them the present tenants, instead of future tenants, as they would be under the operation of the present Bill. In that way they would encourage

a system of sale where an owner had more land than he could profitably employ or cultivate himself; and he thought it was to the encouragement of the system of selling land in Ireland, instead of letting it, that they must look to escape from the present entanglement. Owing to a variety of circumstances, which it was not necessary to allude to, the system in Ireland had been to let and not to sell land. Both owners and occupiers generally preferred to let it or rent it. If they encouraged the system of selling land, instead of letting it, and thus perpetuating the pernicious system of landlordism, it would be much better.

SIR STAFFORD NORTHCOTE said, it appeared to him that the point deserved earnest consideration. Of course, so far as the security of the Treasury or the Land Commission, or whoever might be regarded as the person who advanced the money, was concerned, there could be no doubt that it was very reasonable that proposals should be made which should secure the repayment of the money; and, as sub-letting or subdividing, without the consent of the Land Commission, might endanger the repayment, it was very reasonable that there should be a proposal that the holding should not be sub-divided or sub-let without the consent of the Commission. All the Commission would do would be to see that what was done did not imperil the security on which they had advanced their money. Well, but the hon. Member proposed to leave out the words "or sub-let." That would appear, at first sight, as if he intended to allow a purchaser, under this clause, to sub-let without the necessity of going to the Land Commission; but he proposed, subsequently, to put in words which restrained the proprietor, who had purchased under those peculiar conditions, from sub-letting at all—that was, from turning himself into a landlord. He understood that the whole of this proposal was to get rid, *sub-modo*, of landlordism, and he understood that the proposal of the hon. Gentleman was to carry that into effect—that was, to prevent the present tenants from becoming landlords. If it were otherwise, they would have all the evils of landlordism brought up again, and the land would be in the hands of persons who had been assisted to become landlords by the aid of the

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State in turning out the previous landlords.

MR. SYNAN was at a loss to understand how an owner in fee, which at least a purchaser would be at the end of 35 years, was to be restrained by law from exercising his ownership in fee by attaching a condition to it which would be totally inconsistent with the estate. Who was to enforce the condition? Was the State to enforce that condition against an owner in fee, and say that he was not to sub-let or sub-divide his ownership in fee? He did not care whether he had 1,000 or 10 acres, the condition was inconsistent with the estate, and they could not have such a condition on any estate in this Bill or any Bill.

MR. CHARLES RUSSELL suggested that the object of the hon. Member opposite (Mr. Lalor) could be met consistently with the view which his hon. Friend (Mr. Synan) had recognized, to some extent, by making a distinction between the present tenants and those who came after.

MAJOR NOLAN was quite satisfied that some such provision as this Amendment contained would be necessary before the tenants would become the proprietors. On the Committee presided over by the right hon. Gentleman the Member for Reading (Mr. Shaw Lefevre), it was made quite clear that they could not prevent the purchasing tenant from mortgaging, or sub-letting, or doing anything he liked with his land. He must become the natural proprietor, and that would be the chief inducement to pay the instalments during the 35 years.

MR. O'SHAUGHNESSY said, they must not look only to the present requirements, but to Free Trade in land in Ireland. They could not hamper it. It was in that way that many of the provisions of the Bill which seemed now to hamper the relations of man and man with regard to land were to be remedied; and he thought it was utterly impossible to restrain purchasing tenants by any such conditions as were now proposed in this Bill. He thought it would not be possible to prevent the consolidation of these peasant proprietary holdings in Ireland in face of the difficulties which must be obvious. As far as sub-letting was concerned, they would have to contend in Ireland with the same difficulties which had been experienced

in other countries where what was called land hunger had prevailed. There would always be found intending tenants ready to take land at high prices; but that did not, in his opinion, refute the objection which he held to any attempt to prevent the free sale of land in Ireland or elsewhere. He did not think it was possible to trace any of the difficulties now complained of to the wish of a large section of the Irish people for freedom of sale in land.

MR. LALOR said, he objected to the clause on the ground, mainly, that it would work gross injustice to the tenants in the case of re-letting of estates.

MR. BIGGAR said, his main objection to the clause was that it would give ample opportunity for the exercise of their calling to land-jobbers in all parts of the country, and would effect such a change in the legislation as could only have the effect of injuriously affecting tenants who would be powerless for their own defence.

MR. DAWSON said, the clause was bad enough; but it would not work so injuriously if the Amendment was adopted, for no one could doubt that, in the point of view of the tenants, a system of sale was preferable to one of sub-letting.

MR. GLADSTONE said, that, whatever might or might not be the relative merits of sale and sub-letting, he did not think any hon. Member could legitimately urge that it was raised by the present Amendment. He thought when the Committee came to consider the whole principle involved in the clause they would arrive at a somewhat different view of the matter from that which had been laid before them by some hon. Members.

MR. T. P. O'CONNOR objected to the clause, and supported the Amendment on the ground, mainly, that it would not have the effect of facilitating the sale of land in Ireland. It was not only the ideal but the real land system in many European countries, and particularly in France, that the ownership of the land should be distributed over as large a number of the inhabitants of the country as possible; and he hoped that principle would not only be recognized in theory by the Government, but would be acted up to in practice.

MR. A. M. SULLIVAN said, he hoped the Amendment would not be pressed,

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inasmuch as in his view the present was not the most opportune moment for raising the great principle which was involved in it.

Amendment, by leave, *withdrawn*.

MR. LALOR moved, in page 16, line 22, to leave out the word "sub-let."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had no objection to the Amendment.

Amendment *agreed to*; word *struck out* accordingly.

MR. LALOR moved to insert the word "let" in place of the word "sub-let," just struck out.

Amendment *agreed to*; word *inserted* accordingly.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 16, line 30, by leaving out the words "or judgment."

Clause, as amended, *agreed to*, and ordered to stand part of the Bill.

*Reclamation of Land and Emigration.*

Clause 25 (Reclamation of land).

MR. CHARLES RUSSELL moved, in page 17, to leave out line 15, and insert the words "the Land Commission may, with the concurrence of the Treasury." The general impression among a large section of the Irish people was that the Irish Board of Works had not used their powers for the benefit of the country at large, and had thus become very unpopular and were ineffective.

Amendment proposed,

In page 17, leave out line 15, and insert "the Land Commission may, with the concurrence of the Treasury."—(Mr. Charles Russell.)

Question proposed, "That the words 'The Treasury may authorise the Board of Works to' stand part of the Clause."

LORD FREDERICK CAVENDISH opposed the Amendment.

MR. GIVAN said, the Board of Works in Ireland was entirely made up of a system of red-tape, and it was impossible to get a loan through the Board for any purpose under the sun without an immense amount of unnecessary trouble. As a justification of what he said, he might mention the action of the Board with regard to advances under the Act of 1870. In the clause that

enabled the Board to advance money to the tenant, the words were—

"Where a tenant is desirous of purchasing his holding he may apply to the Board of Works to advance any sum not exceeding two-thirds of the whole amount;"

but the Board actually refused to advance the tenants any money, unless they applied before they purchased at all to the Board for an advance on an amount which they did not know, because it was said the words of the Act were—"Where the tenant is desirous of purchasing." They, therefore, held that a purchase made by the tenant without consulting the Board first of all, while the transaction was inchoate, and which, in fact, was no purchase at all, did not comply with the provision, "where a tenant is desirous;" and the Board would not advance any money at all. The result was, that numbers of purchasers, supposing they had a clause in the Act of 1870 enabling them to purchase, went into the Landed Estates Court and made a purchase of their holding, having one-third to pay; but, when they went to the Board, the Board said they could not advance the two-thirds balance because the application was not made before the purchase. And so an Act of Parliament had to be passed through the House to get rid of this miserable technical objection that the Board raised to defeat the object of the clause altogether. No wonder the Board of Works was unpopular, because no more frivolous objection was ever made than this under the 47th section of the Act of 1870. If the Land Commission was to have the working power under the present Bill to carry out the peasant proprietor part of the scheme, it should have in itself all that power, and certainly a part of it should not be relegated to the decision of an unpopular and obstructive Board.

SIR STAFFORD NORTHCOTE said, of course, it was easy to find fault with the Board of Works; but that Board was a Department that had assigned to it one of the most important, delicate, and invidious duties it was possible to discharge. The history of the case was this. Parliament was prepared to sanction advances of certain money for certain purposes in Ireland under certain restrictions. The conditions under which the advances were to be made were laid down in an Act of Parliament, and ex-

*Mr. A. M. Sullivan*

pressed in that Act the mode in which it should be done, and charge of the machinery. The Board of Works was devised as the machinery for the work being carried through; and it was the duty of those gentlemen who formed the Board to adhere strictly to the orders that were given by Parliament. If Parliament had made its orders more strict than necessary, they might require alteration, and the House had the opportunity of making alterations in the conditions on which Parliament chose to advance money; and it was open to Parliament to make those conditions more or less stringent, as it pleased. But do let them have fair consideration for those who had to carry the orders into effect; they were pressed in every manner, as any body was which had in its charge the disposition of public money; and it was the duty of the House to support those engaged in this administration. He was not prepared to say that the Board of Works had made no mistakes in their administration, or that there had been no mistakes in the administration of the Treasury in relation to these matters; but he was certain that great honesty, great ability, and great firmness had been shown in cases where, if these qualities had been wanting, the public would have been serious losers. He therefore hoped that justice would be done to those employed in a disagreeable, but important, task. He thought that the Board of Works, under the authority of the Treasury, was the best proposal for the machinery that could be devised, and he hoped that proposal would be adopted.

MR. GLADSTONE said, he gave his concurrence to what had been said by the right hon. Gentleman opposite (Sir Stafford Northcote), and he wished to point out that only one particular case had been stated against the Board of Works as to the manner of their administration in which there had been something like a miscarriage. In regard to that—first of all, it must be said that the duty imposed upon the Board of Works was an exceptional duty outside its proper functions and province; and, secondly, he would go further, and say that he thought it was impossible, if there was blame due—he was not saying whether this blame was due, or was not—it was not possible to stop at the Board of Works; it must be carried to

the Treasury, for the Board of Works was simply an instrument of the Treasury, and it was impossible to bring any serious charge against the Board without the Treasury taking that charge on its own shoulders. As to what had been said about the unpopularity of the Board of Works, perhaps that made less impression upon his mind than it did on the minds of some. He had never heard that the Treasury was popular—it might be so, and he hoped it was—but the fact had never come to his knowledge. Under an economical Administration, it was held to be extremely penurious in the disposition of public money; and when the Administration was more disposed to be liberal, then the appetite grew faster than the supply, and the Treasury was never enabled to establish itself permanently in the good graces of those who made the demands. In furtherance of what had been said by the right hon. Gentleman, he must say that, seriously, the faults of the Board of Works were those of the Treasury; and, if they existed, it was in Parliament and before the House that the Treasury were liable to be questioned, and were bound to answer; there they could be tried, and the blame should not be laid upon a body which, after all, was but instrumental and subordinate. He did not wonder that, at first sight, the notion should impress itself that this work should be intrusted to the Commission; but let the Committee consider whether they had not gone far enough in the duties they had charged upon the Commissioners. There had been laid upon them the working of a judicial duty connected with the administration of new Land Laws; and, having done that, having gone into a new system, and a new application of a system of advances, the working out of which had been laid on the Commission, a part of the Bill was now reached entirely separate and distinct from these matters, and which, in point of fact, was an extension of what now existed, and had nothing to do with the subject-matter on which the Commission would be engaged. It was to extend an Act that now existed, to allow public money to be advanced in aid of private and individual purposes in Ireland, and, therefore, the Committee must look beyond the machinery of the Bill. Having done their part, the Commission would not

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have the experience, the engineering staff, nor, he might be allowed to say, the leisure to discharge this new duty. He confessed he almost trembled when he thought of the calls that would be made upon the care, the mind, the thought of the Commissioners; but where there was a body which had an engineering staff and great capacity, and which, also, was an authorized body under the responsibility of the Ministers of the Crown, he could not help thinking that the mind of his hon. and learned Friend would be satisfied, and that he would himself think that the Government were right in maintaining the position of the Bill as it stood.

COLONEL COLTHURST said, the very work that the Board would have to do was the very work it did most successfully, until, unfortunately, some years ago, the system was changed, and drainage was taken from the direction of the Board of Works and handed over to Drainage Boards. Therefore, it seemed to him that the Board of Works was specially qualified for any work in the nature of drainage and the reclamation of waste lands. As to the charge which had been made against the Board, he did not wish to undertake their defence; but he was certain that the accusation made against the Board in relation to the "Bright Clauses" was not due to their own action, but the course they took was imposed upon them by the Treasury. There was one thing, however, he would mention in reference to the Board of Works. A Committee, some years ago, recommended the reorganization of the Board and the retirement of the Chairman, and he would appeal to the Government to consider whether that recommendation could be carried out. No doubt, the Chairman was an old and valuable servant; but there was no doubt, also, his ideas were not in harmony with what was expected from the Board, and, surely, he might now be relegated to that retirement he had so well earned.

MR. O'SHAUGHNESSY said, he hoped the hon. and learned Member for Dundalk (Mr. C. Russell) would not press his Amendment to a division. It was evident that the Board of Works was best qualified for the work. He was far from saying that the Board did not want improvement. It did; but the Board had the staff and means of

carrying out the work which the Commission would be unable to carry out, unless a similar staff was created. As to the charge brought by the hon. Member for Monaghan (Mr. Givan), he was very much struck by what he said, that after the Board had raised technical objections abiding strictly by the rules laid down, the point had to be made the object of another Act of Parliament to enable the thing to be done as tenants desired; and that, at all events, showed that it was not the Board of Works or the Treasury which had to bear the blame, but it was due to a defect in the Act of Parliament.

MR. CHARLES RUSSELL said, he would, with the leave of the Committee, withdraw his Amendment. ["No, no!"]

MR. A. M. SULLIVAN said, it was remarkable that both the hon. and gallant Member for Cork County (Colonel Colthurst) and the hon. and learned Member for Limerick (Mr. O'Shaughnessy) had said how excellently qualified was the Board of Works for engineering operations such as the reclamation of land in Ireland; but what had that to do with this clause? Would the hon. Members who vindicated the efficiency of the Board of Works for drainage and other improvements look at the clause, and they would find not a word about engineering operations, but a great deal about executing money-lending operations. Now, he had heard a few people confess that the Board had completely discharged its duty in one or two engineering operations, but he had never heard one man say that the Board of Works did anything but obstruct the advance of public money for useful purposes; and he would ask his hon. Friends who pointed out the advantage of handing the administration of this clause to the Board of Works, to remember what it was. The Treasury might authorize the Board to advance from time to time monies for objects they might think expedient, and for which there was sufficient security; therefore, all that the Board would have to do would be to look after the security for the money. If the Government had any idea of making the clause what it purposed to be—merely a matter for the working out of the Act in harmony with the spirit of a great scheme—surely they should not commit a part of the scheme to one supreme authority, and

*Mr. Gladstone*

another part to another. Already in Ireland there was a sufficient number of divided authorities working over the same ground; in fact, he had often said it was one of the banes of the country. Five distinct bodies over the same ground—different taxes, different tax collectors, different officials, different secretaries, and different instructions—and now there was going to be an addition to the evil in this case! If all that Clause 25 proposed to do was to advance money to Companies and look after the security for the money, he would suggest that the Land Commission should be the authority, because the Land Commission would, in the discharge of other duties, have cognizance of the reasons that would justify the recommendation of a particular advance. It was the Land Commission alone that would be charged with the knowledge of all the operations taking place under the Bill, of the reclamation and value of land, and with a knowledge of the whole working of the Act, where it might be that reclamation was needed to relieve the congestion of population and where not. If, then, the clause had not any purpose but to see that the money had full security, then the Land Commission was the proper authority. This was really so large a subject that it was quite impossible, utterly impossible, to discuss it now; and, therefore, since it was obvious that several hon. Members wished to speak, he might as well say what he had to say and not divide it between to-night and Monday, and he would, therefore, ask the attention of the Committee to one of the reasons why he thought the Government should give the Commission the authority over the reclamation of waste lands in Ireland. He would like to know whether some effort could not be made by the Government to extend this clause to the taking in of foreshores—

**THE CHAIRMAN:** The hon. and learned Member is going considerably beyond the Amendment.

**MR. A. M. SULLIVAN** said, he must have failed to convey his meaning with sufficient clearness. The Committee were discussing whether the Board of Works or the Land Commission should have charge of Clause 25, and his argument was that if this was only to be a money lending operation, his contention was that the Land Commission could do that as

well as the Board of Works. But if it was to be for the purpose of conducting engineering operations, the clause must be altered to give the Board or the Commission, whichever it might be, the power of undertaking these operations. That was his argument. But he did not think anything was to be gained by trying at this part of the clause to make any suggestions, or use arguments in connection with the reclamation of land; and, as they would be more in Order at a further stage, he would reserve his remarks.

**MR. HEALY** said, he would ask the Chief Secretary for Ireland whether the Bill would not throw a great deal of work on the Board, and whether it was not a fact that the additional work under the Relief of Distress Act of last year absolutely broke down the Board of Works? Did not the clerks in the office work day and night, and were they not absolutely broken down? Further, he would like to know, was it not notorious that when works were undertaken by landlords under that Act, the Inspector of the Board of Works went down and certified for the work being done, when in fact it was not done, and it was popularly believed, and indeed in some cases known, that the money supplied on account of the work supposed to be done was spent in buying heifers—the gentleman sent down by the Board of Works certifying for the work after dining and wining with the landlords? Was it to a body so universally distrusted in Ireland that the carrying out of important provisions in the Bill was to be intrusted? The late Conservative Government a few years ago promised to have the Board represented in the House, but it was never carried out. It used to be the custom, whenever comments were made on the Board of Works in the House, for the Irish official to say—"It's none of my child;" and to state that he was not responsible for the mismanagement, nor would the Secretary to the Treasury acknowledge he had any responsibility. Certainly, if the Board of Works were intrusted with the authority proposed, it would take away any confidence as to the working of the Act.

**MR. W. E. FORSTER**, said, it was quite true that the Boards of Works was not under the control of the Lord Lieutenant or the Chief Secretary; it was

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under the Treasury, and his noble Friend the Secretary to the Treasury had acknowledged the responsibility. But a question had been asked as to the action of the Board of Works during the distress of last year, and he really must say that, so far as his knowledge went, and what he heard of their action, and especially speaking from his contact with the Board from his official connection with the Local Government Board, he thought that the conduct and management of the Board during the great pressure of the time of distress was such that no fault could be found with it. True, the clerks were hard worked, and so they were in the office of the Local Government Board and other offices under the great pressure; but he confessed his own opinion of the Board of Works was raised considerably by the manner in which they got through the necessities of the distress. The hon. Member for Wexford (Mr. Healy) alluded to particular charges of which, of course, he (Mr. Forster) knew nothing, and he did not think it was fair to bring forward such charges as acknowledged facts, when he did not suppose any Member of the Committee had heard of them before.

MR. PARNELL said, the Committee could not decide on this important question, on which the whole of the clause depended and upon which Amendments hereafter would hinge, at such a late hour, and he would therefore suggest that it would be reasonable for the Government to assent to a Motion to report Progress and to adjourn the discussion to Monday. The Board of Works was introduced into the Bill now for the first time, and the effect was important.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

SIR STAFFORD NORTHCOTE said, he wished to know whether the Government intended to make any other alteration of procedure in respect to the Bill besides those announced by the Prime Minister at the beginning of the evening? He had stated that when the Committee arrived at Clause 34, he would move that it be postponed; and he (Sir Stafford Northcote) desired to know whether it was the intention to proceed in regular order with the other clauses—

*Mr. W. E. Forster*

and especially he would refer to Clause 36 and the Emigration Clauses; and whether it was intended to proceed with the other clauses having reference to the duties of the Court?

MR. W. E. FORSTER said, the question should have been put to his right hon. Friend the Prime Minister; but to the best of his (Mr. Forster's) knowledge, there was no intention of making any other alteration beyond the postponement of Clause 34.

SIR STAFFORD NORTHCOTE asked whether the Emigration Clauses would be proceeded with?

MR. W. E. FORSTER: Yes; certainly.

MR. GIBSON said, the Committee was getting on quickly, and would very soon reach the clauses dealing with the constitution of the Court and the functions of the Land Commission, upon which he understood the Prime Minister was going to make a statement on Monday. It seemed to him that the Government Amendments would not appear on the Notice Paper till Tuesday, and hon. Members, if not satisfied with the Government Amendments, would have to put in manuscript Amendments, and this would be a little hard upon the Committee. What he wished to ask was, that the Government would make known their proposals and give hon. Members full opportunity of considering them.

MR. W. E. FORSTER asked, did the right hon. and learned Gentleman mean that the Amendments were not expected till Tuesday?

MR. GIBSON said, they were not on the Paper now, and, unless given in within the next 10 minutes, would not appear till Tuesday.

MR. A. M. SULLIVAN asked, would they appear on Monday morning?

MR. W. E. FORSTER: No.

MR. A. M. SULLIVAN said, then, in that case, the Committee would not see them till Tuesday.

LORD RANDOLPH CHURCHILL asked, would the Government undertake not to discuss them until after they could be seen on the Paper?

MR. A. J. BALFOUR hoped that they would not be discussed until they had appeared for a day in print, so that they could be seen with other Amendments.

MR. W. E. FORSTER said, the Government would do their best to put

them on as early as possible; but they could not undertake to postpone the proceedings for a day.

MR. GORST said, he thought they had been waiting at least a month; and he did not see how it would be possible to discuss the constitution of the Court until the Amendments of the Government and of other responsible, and irresponsible Members were before the Committee.

MR. HENEAGE urged the Government to put their Amendments on the Paper as soon as possible, and said that he had had an Amendment on the Paper for nearly two months, for doing away with all reference to County Courts, and he should be in a difficult position if the Government only produced their Amendments on the day when the clause came up.

Question put, and *agreed to*.

Committee report Progress; to sit again upon *Monday* next.

#### LONDON CITY (PAROCHIAL CHARITIES) BILL.—[BILL 13.]

(*Mr. Bryce, Mr. Pell, Mr. Cohen, Mr. Walter James, Mr. Dauby.*)

#### SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment on Second Reading [25th May], and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. R. N. Fowler.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed*.

MR. W. H. SMITH appealed to the hon. Member for the City of London (*Mr. R. N. Fowler*) to withdraw his opposition to the second reading, believing the Bill would be of great service to the City of London.

SIR R. ASSHETON CROSS said, that having appointed the Commission to inquire into the subject dealt with by the Bill, he thought it would be a great mistake not to read the Bill the second time, and he implored the hon. Member to take off his opposition.

MR. R. N. FOWLER said, he had not been aware that the Bill was down

for that evening; but he would confer with those who were interested in the matter with regard to the course they would take as regarded it.

Debate further adjourned till *Monday* next.

#### REMOVAL TERMS (SCOTLAND) BILL.

(*Mr. James Stewart, Dr. Cameron, Mr. Patrick, Mr. Mackintosh.*)

#### [BILL 8.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. James Stewart.*)

MR. ORR-EWING moved the adjournment of the debate on the ground that the Bill ought not to be discussed at so late an hour.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Orr-Ewing.*)

MR. DONALD CAMERON observed that the Bill appeared to have entered upon a new phase. As long as the Bill stood in the form proposed by the hon. Member opposite (*Mr. James Stewart*) he saw no harm in it; but when the hon. Member for Dumbarton (*Mr. Orr-Ewing*) put down his Notice, a great many of his (*Mr. Cameron's*) constituents objected to it. If, as was reported, the Government accepted the Amendment of the hon. Member for Dumbarton, the intention of the original Bill would be reversed. In that case, he must oppose the Bill; but he hoped the Government would announce what their intention was one way or the other.

MR. A. J. BALFOUR hoped the debate would be adjourned, for this was a Bill interfering with local customs all over Scotland, and it would be impossible to get through a debate on such a measure in less than an hour and a-half or two hours. After the House had been working at high pressure all day and every day on the Land Law (*Ireland*) Bill, it was impossible to expect Members to discuss measures like this in a sober and clear spirit.

MR. GORST also objected to discussing the Bill at that late hour.

Question put, and *agreed to*.

Debate adjourned till *Monday* next.



## MOTIONS.

## SOLENT NAVIGATION BILL.

On Motion of Mr. ASHLEY, Bill to make provision with respect to the Navigation of the Solent between the Isle of Wight and the mainland, in the county of Hants, *ordered to be brought in by Mr. ASHLEY, Mr. CHAMBERLAIN, and Mr. TREVELYAN.*

*Bill presented, and read the first time. [Bill 207.]*

## PARLIAMENTARY REVISION (DUBLIN COUNTY) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to enable the Lord Lieutenant to appoint a Revising Barrister for the revision of lists and the registration of Parliamentary Voters in the County of Dublin, *ordered to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Mr. SOLICITOR GENERAL for IRELAND.*

*Bill presented, and read the first time. [Bill 208.]*

House adjourned at a quarter after One o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, 11th July, 1881.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Universities (Scotland) Registration of Parliamentary Voters, &c. \* (130); Presumption of Life (Scotland) (142).

*Third Reading*—Incumbents of Benefices Loans Extension \* (136); Elementary Education Provisional Order Confirmation (London) \* (68); Tramways Orders Confirmation (No. 1) \* (126); Pier and Harbour Orders Confirmation \* (122), and *passed*.

THE LATE LORD HATHERLEY.  
OBSERVATIONS.

THE LORD CHANCELLOR: My Lords, since your Lordships last met the House has been deprived of one of its greatest ornaments and one of its most distinguished and honoured Members. I have some difficulty in endeavouring to do justice to my own sense of the loss which this House has sustained, because I lived on terms of close intimacy for not less, I think, than 40 years with the eminent man who, now in an honoured old age, has been taken from us—and personal affection makes me sensible of the difficulty of

doing justice, in the few words which I shall address to your Lordships, to his admirable qualities—at the same time, I am most desirous not to fail in expressing, in some measure at all events, the feeling which I think all your Lordships must have on the subject of his loss. My Lords, Lord Hatherley was a man who, I believe, from his earliest years lived a life of as much consistency and diligence in doing his duty in every private relation, and in every grade of the professional and public stations which he was called upon to fill—I think he had as much purity and simplicity of character, as much thorough conscientiousness, as much energy and sound judgment as, taking into account the infirmity of man, any of us could hope to attain. From that intimate knowledge which I had of him, and which, as I have said, lasted for 40 years, I may even go further. There are not a few men of whom one would say that, as far as one may presume to judge from public and outward signs of character, they may be looked upon as examples to be held up for imitation by other men; but of him I would presume even to say that I am sure that judgment cannot be mistaken. Most men, looking back to their earliest life, must be sensible of many faults and errors, known to themselves if not known to others. Certainly, his modesty never would have permitted him to claim to be more free from faults and errors than other men; and yet I do verily believe that such as he appeared outwardly to others he was from his earliest years inwardly in himself. A man of the most remarkable gentleness and sweetness of character, and at the same time of firmness and decision which never quailed or failed before the performance of any duty, and which enabled him, in all the different posts he was called upon to fill, to discharge their duties to the admiration of all who were able to observe his career. He was as little ambitious of personal distinction as any man so distinguished whom I have ever known. It might be truly said of him that he was not one of those—

“who stoop, or lie in wait  
“For wealth, for honours, or for wordly state;”  
but was one—

“Whom they must follow; on whose head must  
fall,  
“Like showers of manna, if they come at all.”

Yet come they did; and it is well for this country that such qualities should be appreciated as they deserve. He was called in due time to a distinguished place on the Bench of Justice, first as Vice-Chancellor, afterwards as Lord Justice; and then he was called to shed lustre upon the Office in which, when I think of him, I feel more than ever my own unworthiness to succeed him. He was called to the great Office of Lord Chancellor, and he carried himself so meekly in the discharge of his public duties, so diligently and so zealously supported every measure which, according to his judgment, was for the benefit of the country and for the advancement of liberty and justice, that when from failing health, or rather failing eyesight, after four years' sitting in this place and presiding over your Lordships' deliberations, he was compelled to relinquish that Office, he carried with him into private life, I am sure I may say, as large a share of esteem and respect as ever fell to the lot of any Predecessor of his in that exalted position—as large as any who may be called upon hereafter to succeed him can possibly hope to obtain. Nor did he, even when his eyesight was partially destroyed, cease to labour in the Public Service to the public advantage; for still as a Judge he discharged his duties in your Lordships' House with that sound, accurate, and extensive knowledge of the law, that calm, equal, and dispassionate judgment, that desire to do justice, incapable of being biassed by any other feeling, which had previously distinguished him throughout his judicial career. And even when suffering under the heaviest calamity which could fall upon him or upon any other of your Lordships who may be blessed with domestic happiness as he had been for a very long time, a calamity which bowed him down with sorrow in his old age, and from which undoubtedly he never recovered, still as long as strength and health remained he continued to lend aid to the discharge of the duties of your Lordships' House. My Lords, I feel how inadequate are the words I have used to express all the value of such a man to the country to which he belonged, to the House of which he was an ornament, to the Profession in which he laboured and in which he rose, and I will say to the Christian

society, to the Church of which he was one of the most faithful members, though he always found it consistent with his attachment to the Church of England and to its principles to be foremost in the application of the great principles of civil and religious liberty upon every occasion on which they could possibly come in question. My Lords, I will only add that I hope your Lordships will pardon the inadequacy of the expression I have endeavoured to give to the feelings which I am sure you share, and believe me that what I have said comes thoroughly from the heart.

EARL CAIRNS: My Lords, all that my noble and learned Friend has said, all that he could say, in praise and admiration of him who has been taken away from us, will, I am sure, in this House find a response from every one of your Lordships. It has been my lot to have had a long acquaintance with Lord Hatherley. I well recollect the kindness which, as a young man, I received from him, and I can bear witness from personal observation to the excellent manner in which for many years as one of the primary Judges of the Court of Chancery he discharged the duties of that important office. His subsequent life has been in the eyes of every one of your Lordships; and it is not too much to say, now that he is gone, that as a Judge, as a Christian, as a gentleman, and as a man, this country has not seen, and probably will not see, anyone who is his superior.

EARL GRANVILLE: My Lords, it is certainly not necessary for me to add anything to the eulogies which have been passed by the two noble and learned Lords upon one who was so great an honour to this House and to the country; but perhaps your Lordships will excuse me if I add one single word of testimony to the worth of one with whom I had the honour of acting for many years. I can conceive no one who in the position of Lord Chancellor could have greater qualities to entitle him to the respect and attachment of his Colleagues. While the most consistent politician on the lines which he had laid down for himself, he was one of those lawyers—and I am happy to say that they exist in both political Parties of the State—who, when they attain to the highest honours of their Profession, can look back upon a career absolutely un-

stained either in public or in private life. One of his most important characteristics was that he not only pointed out difficulties which might occur in politics, but he was singularly fertile in suggesting means for remedying them. I feel sure that, whether remembered as Page Wood or as Lord Hatherley, his name will remain an honour to his Profession and to both Houses of Parliament, of which he was in turn so distinguished an ornament.

#### UNION OF BENEFICES (CITY OF LONDON).

##### MOTION FOR AN ADDRESS.

THE EARL OF ONSLOW, in rising to call attention to a statement recently published in the "St. James's Gazette" purporting to be a census of the City of London churches alleged to have been taken on the morning of Sunday, 1st May, 1881, by which it appears that at 57 churches, all situate within one square mile, with, according to the Ordnance Map, 31,055 sittings, and, according to the Clergy Directory, an annual income of £40,266, the total present were 6,731, of which number 571 were officials and their families, 706 choristers—mostly paid, 227 paupers for alms, and 1,374 school children, leaving as general ordinary congregations 3,853—namely, 1,227 men, 1,796 women, and 830 children; also to the present population of the City of London (for which, in addition to the churches, St. Paul's Cathedral and the Temple Church are also available) compared with the population in 1801-81; and to move—

"That an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to issue a Commission to inquire into the working of the Union of Benefices Act, 1860, and the state of the several ecclesiastical parishes in the City of London with reference to their population, and to the value of the benefices attached to them, with a view to the suggestion of such further union of benefices, disposal of the sites of churches, and application of the funds arising therefrom, as may, with due regard to the architectural and historical features of the existing edifices, be more conducive to the efficiency of the Church in the Metropolis and its vicinity."

said, that, for his purpose, it would be advisable to take only those churches which were situate within the City walls, as those on the edge of the City, such as St. Botolph, Aldersgate; St. Andrew, Holborn; St. Bride, Fleet Street; St.

Giles, Cripplegate; and St. Botolph, Aldgate, drew their congregations principally from without the City. Taking, then, those within the City walls, it would be seen that of 48 churches the congregations in 13 did not exceed 20; in 28 churches it did not exceed 50; and in only 4 did it exceed 100. The capacity of the 48 churches was 10 times that required for the congregation (exclusive of officials). The officials, choristers, recipients of charity, and school children constituted three-fourths of the whole congregation; a chorister was supplied for every fourth person, and an official for every six. The total actual congregations did not exceed more than 2,300, or an average of 48 to each church; the stipendiary portion, exclusive of incumbents and curates, consisted of 21 lecturers, 513 choristers, 374 officials, with their families, and the emoluments amounted to an average of upwards of £1,000 to each church. These statistics were taken under the superintendence of one of the most efficient clerks and accountants in the City, who employed for the purpose some 80 clerks, a body far more reliable than that of necessity employed in taking the Imperial Census. Their Lordships were fully aware of the increasing depletion of the City at night, which had been going on for many years; but it was not until the latest Census was laid on the Table of the House that the extent of this could be fully appreciated. And it should be borne in mind, in considering the figures which he was about to lay before the House, that a large number of those who were compelled to sleep in the City rarely lost an opportunity of absenting themselves from it during the day on Sunday, especially in summer. In the year 1801, the population of the City was 156,859; in 1811, it fell to 120,909; and did not vary greatly until 1861, when the population was 112,063. The fall in the next decade was rapid. In 1871, there were only 74,897; and the recent Census showed that that had fallen still further to 50,526, of whom only 18,712 resided within the City walls. During the same period the population around London had been increasing at a marvellous pace. He would not enter into the statistics of the East End, knowing that the spiritual wants of that population might be safely left in the hands of the right rev. Prelate (the

*Earl Granville*

Bishop of London), further than to say that, with the exception of Hackney, the districts in the East, such as Shore-ditch, Whitechapel, and St. George's in the East, showed a slight decrease of from 2 to 9 per cent. If they turned to the South and West of London, and to the county of Surrey, in which he (the Earl of Onslow) resided, and of whose spiritual necessities he might, therefore, claim to have some knowledge, they would find that the increase had been stupendous. In the districts of Fulham, Hampstead, Wandsworth, and Kensington the increase had been 198, 137, 186, and 85 per cent respectively; and, in the registration district of Fulham, the increase had been 50,000; while in that of Battersea it had increased by 54,000, nearly exactly doubling the population of 1871, and the increase being greater in that one district alone, within 10 years, than in the whole population of the entire City of London. South London, hitherto the centre of the market gardening industry, was now becoming covered with a mushroom-like growth of small bow-windowed houses, inhabited by that class, almost exclusively, whose daily avocations lay in the City. He knew of one contractor, and that only one of many, who had contracted to build 1,000 of these houses, turning them out at the rate of four a-week, which were filled before they were dry, often with two families. It should be observed that while the area of the Metropolis North of the Thames covered 50 square miles, the area South of the river covered 68; and that while the increase of the population in the 20 years from 1851-71 for the entire Metropolis was at the rate of 34 per cent, the increase in the Southern part of it had been at the rate of 57. It should also be known that while the increase in the rateable value in the Metropolis might be calculated to be three times greater than the increase of population, in the South of London it was at the rate of 127 per cent, against 104 per cent for the entire Metropolis, while the increase from 1871 to 1881 had been in still greater proportion. The Metropolitan counties showed no exception to that growth, that of Surrey being no less than 1,344,000 in the decade. It could scarcely be supposed that spiritual provision could have kept pace with that gigantic increase. It was esti-

mated by the Secretary to the Bishop of Rochester's Fund that at least four churches should be built immediately, and an endowment of £10,000 a-year secured to give church accommodation and spiritual ministration to the population of South London in that diocese. It was impossible that the inhabitants of these houses, hardly able as they were to pay their rent, could find the funds necessary for the purpose of erecting and endowing additional churches; what more natural, therefore, than that the endowments of the empty City churches should follow those for whose good they were intended to their new homes? He did not wish it to be supposed that no efforts had been made in this direction; on the contrary, the most rev. Prelate and the right rev. Prelate, during their Presidencies over the See of London, had both done their utmost to lessen these anomalies. The right rev. Prelate had succeeded in diverting a sum of £5,500 a-year for church purposes without the City; nor had the right rev. Bench been less active in Parliament. In the year 1860 a Bill was brought in by the most rev. Prelate for the union of benefices, the opponents to which, however, succeeded, ere it passed into law, in introducing clauses with, he (the Earl of Onslow) believed, the avowed design of impeding the objects which were sought to be obtained. The process under this Act might thus be described—The Bishop of London issued a Commission to certain Commissioners; they made a return to him as to the terms of the proposed union. Those proposals were then completed, and submitted to the Ecclesiastical Commissioners for consideration. When these proposals came before the Ecclesiastical Commissioners, they had had the general assent of the Vestries, and of the patrons, and of the Bishop of the Diocese. The Ecclesiastical Commissioners then considered the proposals which were put before them; and if they thought they were consistent with the provisions of the Act, and could properly be carried out, they expressed their approval of them, either with or without modifications, and then copies of that scheme were sent to the Vestries and to the patrons of the cures affected. They were allowed two months under the Act to consider any alterations or modifications which the Ecclesiastical Commis-

sioners might have inserted; and when their replies were received, the scheme was again brought up before them, and when the necessary assents were given, or the objections overruled, the scheme was, by direction of the Board, laid before Parliament, and after the expiration of a period of two months from that time, the sealed copy was sent to the Privy Council Office with a view to ratification by Her Majesty. When the scheme had been ratified and published in *The London Gazette*, the subsequent proceedings in carrying out the terms of the union commenced. The consents contemplated by the 17th section of the Act being obtained, the first process generally was the removal of the fittings of the church which was to be pulled down, taking care of the sacramental plate, the font, Communion table, and all things which were not to be sold, and then the arrangement for the removal and re-interment of the human remains which were under the church. That was usually a very long process, and when everything of that kind was complete, then the sale of the site took place. Their Lordships would observe that it was necessary to conciliate two bodies whose veto was absolute. The first and most difficult to deal with was the Vestry, a body which had passed into a proverb for narrow-mindedness and incapacity for organization. The length of time also necessary for the completion of the scheme frequently allowed of a complete change in the constitution of that body, which was at all times a small one, and swayed by the minds of one or two of its more active members. With the patrons of the livings less difficulty might be experienced in the City than elsewhere, inasmuch as they were, for the most part, what he might term public bodies. The patronage was thus disposed of.

In the gift of—

	£
Bishop of London . . . . .	10,584
Dean and Chapter of St. Paul's . . . . .	5,565
Archbishop of Canterbury . . . . .	4,240
Lord Chancellor . . . . .	4,081
	£
Drapers' Company . . . . .	950
Grocers' Company . . . . .	813
Mercers' Company . . . . .	165
Merchant Taylors' Company . . . . .	1,260
	3,178
Five Trustees for St. Olave's, Hart Street . . . . .	2,100
Parishioners . . . . .	1,511

*The Earl of Onslow*

Crown . . . . .	£	1,215
Corporation of London . . . . .		1,136
Dean and Chapter of Westminster . . . . .		1,100
Dean and Chapter of Canterbury . . . . .		1,034
Balliol College, Oxford . . . . .	340	
St. John's College, Oxford . . . . .	550	
		600
Corpus Christi College, Cambridge . . . . .	584	
Magdalen College, Cambridge . . . . .	292	
		876
Simeon's Trustees . . . . .		496
Eton College . . . . .		340
Committee of St. Benet's Welsh Church . . . . .		300
St. Bartholomew's Hospital . . . . .		250
		2,910
		£41,814

He believed that if some power were given to override the caprice of the Vestries far more might be done than hitherto had been effected; for it could not be denied that self-interest was the ruling spirit amongst these bodies, which was clearly exemplified in the case of the union of St. Benet's, Gracechurch Street, with another benefice. In that instance, the scheme was assented to, gazetted, and became law; but then, under the 17th section of the Act—where four consents of Her Majesty's subjects were required, after she had signed it, to the pulling down of the church—the late Archdeacon of London exercised his veto on the church coming down, and the reason was because it was not to be sold by tender, he objecting to having it sold by auction; the consequence of his refusal was that they were obliged to have a supplementary scheme to change "auction" into "tender." The parishioners then woke up and said—"Well, but now we will have something; we will not give our consent to the supplementary scheme, unless £4,000 is given to us as a reparation fund;" and it was obliged to be given. Then they said—"We will stand out that the Commissioners of Sewers shall have these two frontages for nothing;" that was resisted; a long battle was fought as to what the money should be; ultimately they agreed to £3,000, so that it was calculated that £12,000 must have been the loss to the church.

He believed that if a Royal Commission was granted which could consider the City parishes as a whole, and which would have the public confidence, they might recommend a large scheme for the union of benefices, selecting at once those churches which, from their historical or architectural interest, should not be touched, forming them into mother churches for groups of parishes, to serve a real, not a phantom, population, and, where that might not be the case, they might transfer their wealthy endowments—leaving sufficient to repair the fabrics—to some of the adjacent districts, whose spiritual destitution he had pointed out. Thus those who worked in the City by day, and for whom these endowments were intended, would derive the benefit from them to which they were entitled, while a principal weapon would be removed from the enemies of the Church of England as to the alleged great waste of her rich possessions. He begged, in conclusion, to move the Resolution of which he had given Notice.

*Moved*, that an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to issue a Commission to inquire into the working of the Union of Benefices Act, 1860, and the state of the several ecclesiastical parishes in the City of London with reference to their population and to the value of the benefices attached to them, with a view to the suggestion of such further union of benefices, disposal of the sites of churches, and application of the funds arising therefrom, as may, with due regard to the architectural and historical features of the existing edifices, be more conducive to the efficiency of the church in the metropolis and its vicinity.—(*The Earl of Onslow.*)

VISCOUNT MIDLETON said, he quite concurred in the sentiment that this was a question that could only be dealt with by a Bill in Parliament. There could be no question that in the City of London there was great waste of ecclesiastical power. They had there a large number of churches with no congregations to fill them on the Sunday. For years the population of the City had been steadily diminishing, and that of the suburbs increasing. There were very few clergymen of such exceptional abilities as to tempt the people back to the City churches from their residences in the suburbs. So far as regarded the Union of Benefices Act, the machinery was of far too cumbrous a character to render it workable, and the result was that no-

thing had been done under it which was worthy of the name of reform. He confessed that his experience was that unless the recommendations of Royal Commissions were backed up by the aid of the Government they very often failed in their object. In point of fact, the success or failure of a Royal Commission depended very much on the encouragement given to them by the Government of the day, and he instanced the case of the Alkali Commission as an example. In regard to the present question, he pointed out that a very large amount of evidence had already been taken on the subject. There had been an attempt to introduce a general measure by a private Member in the other House; but they all knew how very little chance a private Member had of getting a Bill through unless the subject had the hearty sympathy of the Government. He would suggest that if Her Majesty's Government saw its way to supporting any measure on this question, the Ecclesiastical Bench were well able to deal with it. He thought that a Bill dealing with the question would be a more satisfactory solution than the issue of another Royal Commission; but if the Government thought otherwise, if they wished to be fortified with another Royal Commission, then he should support it in preference to nothing being done. At all events, looking at the great importance of the question, he hoped that it would be dealt with at no distant date.

THE BISHOP OF LONDON said, he should have preferred to have the matter left over until another Session of Parliament, when something practical might be done; but as the subject had been brought forward he could not avoid offering a few words on the question. The population of the City of London had been reduced to 52,000, which was 900 less than the increase of only one of the parishes referred to—that of Kensington, and for that population there were 60 churches. But even the sleeping population was much larger than the average Sunday population, for a large number of those who lived in the City left it on the Sunday. Meanwhile the population of the suburbs had increased enormously; and whole towns had been built and inhabited by artizans and others of a class quite unable to provide themselves with churches and

clergy. The action of the Union of Benefices Act had done something to cause this disproportion. Of the 70 churches in the City nine had been removed and 12 built in the suburbs entirely, and eight others materially aided. But the Act was too cumbrous to work effectually and required two many consents. It was said that if these City churches were properly served, and if the services in them were made attractive, they would be filled. Those who argued thus pointed to St. Paul's as an example. But it must be borne in mind that there was a limit to the supply, and if the population went to fill one church another church must suffer. Others deprecated any attempt to reduce the number of the churches on the ground that they were ornaments to the City of London; but he ventured to say that a large proportion of the 60 City churches were passed by hundreds and thousands of people who never observed that they were churches at all. The question then was—Could it be maintained that this large number of churches, with a diminished surrounding population, should be left untouched, while the wants of the increasing suburbs were so great? The great difficulty, as had been stated by the noble Earl, was as to the rights of the incumbents, and others interested in the maintenance of the churches. All these had vetoes. In consequence of the difficulties thus interposed, there was hardly any means of dealing with the City churches at all. The present state of things, however, was acting injuriously to the Church, inasmuch as it prevented many who were willing to assist in Church extension from giving that help while there existed that disproportion of churches to population that was seen in the City of London. But he ventured to doubt whether a Royal Commission would expedite a settlement of the question. The proceedings of a Commission would cause much delay; the facts were already known, and the question was one which should be settled as soon as possible. In his view, the best way to deal with it was by Act of Parliament. He trusted that next Session the question would be taken up by the Government, when, it was to be hoped, more time could be devoted to such a subject than could possibly be expected now, and he hoped that they would then

*The Bishop of London*

arrive at some settlement of this difficult question. He quite agreed that they ought to proceed on one general plan, and pointed out that a Bill founded on that basis, which he introduced in 1873, was considered by a Select Committee, and passed their Lordships' House. If any Bill was again brought in, he hoped that it would deal with the question by way of a general scheme.

THE ARCHBISHOP OF CANTERBURY said, he felt called upon to defend the ecclesiastical patrons of benefices in the City of London from any charge of opposing difficulties in the way of settling this question. It was a great mistake to suppose that the ecclesiastical patrons as a body were opposed to the union of benefices allowed by the Act of 1860. Certainly he could speak on that point for the right rev. Prelate the (Bishop of London) and himself. Never, so far as he knew, had they offered any objection to the removal of City churches which were not required, and the erection of them where they were much wanted. On the contrary, perhaps it was worth noting, considering the use that had been made of these statistics elsewhere, to call attention to the fact that all movements for the improvement of the City in this respect had emanated from the Episcopal Bench. It was found by experience that no improvement could be effected when the origination of the movement was left to the Vestry, because the controlling power of the Vestry was generally the Vestry clerk, and as the Vestry clerk was very unwilling that his parish should disappear, it was very difficult indeed to get a Vestry to move in the matter. He was quite sure of this—that every well-wisher of the Church of England was desirous to see such an anomaly as the noble Earl had so well pointed out removed, consistently with the principles of justice. At the same time, he ought to remark that the effect of the Act for the Union of Benefices had been that 10 churches in the City had been removed in 20 years, which was a considerable result, and the funds derived from the removal had formed a fund to erect 12, and partly eight more, in the suburbs. The existing law might be cumbrous; but he did not think it was much more cumbrous than the necessities of the case, except in the number of consents, required. The difficulty was that the churches had to be dealt with

one by one. He did not think a Commission could add anything to the information that had already been obtained. What was wanted was a vigorous effort, if he might be allowed to say so, on the part of those who had the control of Parliament, to carry this question to a solution. There was no slowness on the part of the Episcopal Bench or the clergy, though there might, no doubt, be interested persons who were not willing that their livings should be interfered with during their own lifetime; but there was great slowness on the part of Parliament in adopting a general measure. The matter required to be dealt with cautiously. He thought that the only mode in which much could be done, under the difficulties of the case, would be by the Government introducing some such measure as had been suggested by his right rev. Brother.

LORD HOUGHTON said, that, looking at the question from an æsthetic point of view, it was a great pity that these fine old architectural edifices, some of which were products of the genius of Sir Christopher Wren and other eminent architects, should be pulled down and ruthlessly destroyed. He thought it would be a good plan, if any of these churches were found not to be requisite for religious services, to put them to other uses, and especially to make them available for educational purposes. He believed the School Board for London, if they were handed over to that body, could utilize them to great advantage in the promotion of higher education in the Metropolis.

EARL GRANVILLE agreed that the noble Earl (the Earl of Onslow) had raised a very useful discussion, and had adduced facts tending *prima facie* in favour of an alteration of the existing law. He thought, however, it was not probable, after the discussion that had taken place, that the noble Earl would carry the question to a division. He agreed in almost all that the noble Earl and those who followed him had said, but thought he had been fully answered by the difficulties which had been pointed out by his right rev. and most rev. Friends. No doubt the evil was a great and increasing one; but he very much doubted whether the mere fact of appointing a Commission would tend to expedite legislation on it, because that was certainly not his experience with respect to other Bills; and considering

that this subject had been on more than one occasion referred to a Committee, he thought it would be worse than useless to send it to another. There were several views to be taken of this subject. There was the sentimental and æsthetic, so well represented by his noble Friend (Lord Houghton) and those who agreed with him, who thought the churches might be utilized for other purposes. If it could be shown that of a certain number of churches some were absolutely useless for religious purposes, but could be made use of for very important moral purposes, he, for one, certainly would not object. There was, however, this difficulty in the way of the suggestion of his noble Friend (Lord Houghton), that if there were no people to go to church there would be nobody to go to school. It appeared, moreover, that the greatest difficulty was with the Vestry clerks, and he doubted whether the Report of a Royal Commission would have very great effect upon them. It had been suggested that the Government should deal with the question. This was not a very opportune moment for making that suggestion, and certainly he could give no undertaking in the matter. To him it seemed that the question was one which would most fitly be dealt with by those persons who took an intelligent view of it, such as had been expressed in the House that night, communicating with the right rev. Bench. Any proposals that might be made as a result would not meet with discouragement from the Government.

LORD DENMAN said, the right rev. Prelate (the Bishop of London) had expressed a wish for something practicable. He (Lord Denman) could recollect the removal of a house stone by stone and timber by timber to a distance of three miles; and he thought that churches might be removed to the more healthy places to which City congregations had migrated, and even their ministers go with them.

THE MARQUESS OF SALISBURY said, he thought their Lordships would share his opinion that the speech in which the noble Earl had introduced this question was most interesting. Nevertheless, the state of mind of noble Lords was rather nebulous in regard to the question. They all desired some improvement in the present state of things; but even the noble Earl himself did not appear to perceive more clearly than the rest of



the House the precise mode in which that improvement could be made. He would not, therefore, express any opinion on the general subject; but he agreed with the most rev. Primate that the difficulty had always been the Vestry and the Vestry clerk. A letter had been sent to him by the Rev. W. J. Hall, President of Sion College, who took very grave exceptions to the kind of evidence on which this movement was based. The rev. gentleman said that in the Return 125 was given as the number of his congregation. The rev. gentleman demurred to the census being taken exclusively on Sunday morning, and stated that the number of attendances in his church in the years 1876, 1877, 1878, 1879, and 1880, were 117,500. These figures showed a yearly average of 23,500, or a weekly attendance of something like 450 persons, which would not seem an inadequate number for the spiritual ministrations of a single incumbent. He did not venture to state any opinion in opposition to that which both spiritual and temporal Members of that House had expressed as to the existence of a grievance which required redress; but he had merely said these few words in order to impress on their Lordships' minds that these statistics ought to be received with care.

Motion (by leave of the House) *withdrawn*.

#### AFRICA (WEST COAST)—MORTALITY AT THE GOLD COAST.

##### QUESTION. OBSERVATIONS.

VISCOUNT BURY asked, Whether it is the fact that there has been during the Spring much mortality and sickness among the troops stationed at the Gold Coast, particularly in the 2nd West India Regiment; whether such mortality and sickness is not greatly aggravated by unhealthy quarters and by road making during the hottest hours of the day; and whether any steps have been taken to prevent the recurrence of such of these evils as are due to preventable causes? The noble Lord said that he had the evidence of eye witnesses that the regiment referred to arrived at the Gold Coast at the rainy season of the year, no preparations having been made for them; and that they were quartered in the worst part of the town—the sanitary

condition of which was frightful. The consequence was that fever broke out, and that great hardships were endured by both officers and men. It had been stated by Mr. Childers that the men had been put under canvas, and that the health of the regiment had since been better; but he (Viscount Bury) was informed that the climate did not allow of men being put under canvas, and that as soon as they were so quartered the medical authorities were chiefly exercised in devising means for getting them out of it. He was also told that troops were landed on the Gold Coast at a season when they could not be employed up the country, and when they might perfectly well be detained at St. Helena, only a few days distant. And not only, he believed, were the troops made to work in the hottest part of the day, but they were not allowed to carry umbrellas or other head coverings, although the thermometer stood at over 100 degrees in the shade. The rationing of the troops, too, he understood, was unsatisfactory. Necessaries were so dear that the 1s. a-day allowed to the men was not enough; and animals sent from Sierra Leone for their consumption were in such a diseased state that the men refused to eat them. Of course, he did not impute any blame to the Government for this state of things, which was no doubt due to the action of officers on the spot; but he should be glad to hear from the noble Earl opposite how matters really stood. He felt it was his duty to ask these Questions, and he believed the lives of Her Majesty's troops were dear to their Lordships on both sides of the House.

THE EARL OF MORLEY said, that the welfare of our troops must always be a subject of great interest. In answering his noble Friend, he would recall to his mind that when the troops were sent to the Gold Coast fears existed that difficulties would arise between ourselves and the King of Ashantee. It was consequently necessary to send a large body of men to that Colony, and the Government telegraphed to the West Indies that the 2nd West India Regiment must proceed to Africa without delay. It was not possible to detain the troops at St. Helena, because it was anticipated that an attack might be made on our Colony. It was not a question of sending troops into the interior, for it would have been

*The Marquess of Salisbury*

difficult, if not impossible, at that season of the year to send troops into the jungle; but it was a question of defending the possessions of Her Majesty at the Coast. He ventured to say that the prompt presence of the troops which were ordered to repair to the Colony had a most useful and quieting effect. There was undoubtedly considerable mortality among the troops, the climate on the coast, always unhealthy, being specially so when they were there. But in the 2nd West India Regiment only one officer died in April. It was true that out of 55 officers 21 were on leave. The barrack accommodation in the Colony was limited, and the troops had therefore to be housed in Fantee towns, in huts, and under canvas. In the early days of the month of April the sanitary condition of the Fantee towns was pronounced to be very bad by the principal medical officer, and the troops had to be removed from them, and placed under canvas. The malaria fevers which prevailed in April and May attacked the men when they were in tents with less violence than when they were in the Fantee towns. The medical officers would call the attention of the local authorities to the desirability of trying to mitigate the unhealthiness of the Colony. In a case of great emergency it was, of course, impossible to make provisions which should be absolutely satisfactory in so unhealthy a quarter. With regard to the question of supplies, he had to say that as soon as the telegram was despatched ordering the departure of the 2nd West India Regiment, orders were also given for the despatch of a large quantity of supplies, which arrived at the Colony on March 12, and were landed on the 17th. The 2nd West India Regiment did not arrive until March 19. The supplies consisted of preserved meats, biscuits, lime-juice, and other stores. In fact, there were abundant supplies in addition to those sent from Sierra Leone. Supplies and cattle were also sent from Sierra Leone. It was known that some of the cattle on that coast was unhealthy; but the fact that the consumption of fresh meat by the troops at the Gold Coast increased in each month during their stay there proved conclusively that the disease was not so general as the noble Viscount assumed, and that there were a considerable number of cattle which were not

unfit for food. Another point that had been raised referred to the route-marching of the troops, and their employment in road-making. Well, on May 8, the officer in command of the troops said he had discontinued route-marching, as in their delicate state of health it was trying to officers and men. The road-making, he said, would continue, for the working parties were healthy, and worked willingly for the extra pay which they earned. It was clear from these statements that the officer in command was not unmindful of the health of his troops. The garrison at the Gold Coast was now almost reduced to its normal strength. The headquarters of the 2nd West India Regiment left the Gold Coast for the West Indies on June 16. He did not deny that troops ran great risk of disease and fever on the Gold Coast, especially in the unhealthy seasons. No one, however, could be held responsible for the illness which had prevailed. It was the result of natural causes, and causes which, under those circumstances, were unavoidable. He would only add, in conclusion, that on the occasion to which the Question of the noble Viscount referred most valuable services were rendered by the troops which were despatched to the Gold Coast, for though they not called upon to take the field their presence not improbably prevented serious complications.

THE DUKE OF RICHMOND AND GORDON said, the question was not as to the time when the supplies arrived at the Gold Coast, but as to the time when they were issued to the troops. According to the information which his noble Friend (Viscount Bury) had received, there were no stores issued during the months of March and April. As the question was a very serious one, it would be satisfactory to ascertain whether these stores when they arrived were immediately issued, or at what time they were issued.

THE EARL OF CARNARVON said, he should like to have a more full and categorical reply to the question raised by the noble Duke who had just sat down. If there was any truth in the allegations of the noble Lord who had brought this subject before their Lordships, a serious case, not only of mismanagement, but of corruption could be based upon the charges which he made. All who

knew anything of the circumstances of the Gold Coast must be aware that it was almost, if not quite, the most unhealthy station to which troops could be sent. Though in recent years there had been an improvement in the general health of the White population on the coast, no one could doubt that the health of troops hastily moved to that Colony for special purposes must be very seriously jeopardized. When he was at the Colonial Office he had in view some arrangements as to barracks; and he should recommend to the Government that such provision should be made for the better accommodation of the troops at the Gold Coast as might at any time be needed. So long as we held that station, so long should we be exposed from time to time to the dangers of sudden and sometimes very serious incursions from Ashantee and elsewhere. The employment of any White troops in that part of the world was very undesirable; and, therefore, it should not be forgotten that the West India Regiments were officered by Englishmen. He hoped the excellent practice of training a sufficient Houssa force would not be departed from. So long as they maintained that force in a state of efficiency, they would be free, as a rule, from Ashantee invasions; but if the force was allowed to deteriorate they would always be threatened with this danger.

THE EARL OF KIMBERLEY said, his noble Friend (the Earl of Morley) presumed that when the stores arrived at the Gold Coast they were distributed; but special inquiry would be made. With regard to the general question brought before the House, he might repeat that the troops had been sent to the Gold Coast to meet an extraordinary and sudden emergency. They had not the slightest intimation of the proceedings of the King of Ashantee until they heard that an Ashantee invasion of the Gold Coast was imminent. They then ordered troops to be forwarded from the West Indies without delay to the Gold Coast, and a detachment also went from Sierra Leone. He was bound to say that the troops sent there had the effect of preventing what might have been a most dangerous and troublesome war. As to the provision of the barracks, he hardly thought it possible they could build a considerable number of barracks to be kept there only to be used in an

emergency. That would be a great burden on the Colony. Before these occurrences took place there were not more than 180 men quartered there, and at present there were not more than 350, and they would soon be able to reduce the force to its normal number. With regard to the Houssa force, his noble Friend would be glad to hear that this most valuable force was kept up to a high state of efficiency. He (the Earl of Kimberley) fully recognized their value, and was not likely to overlook them, particularly as they were organized while he was in Office on a former occasion. The Houssas were men who could be thoroughly relied upon; they were born soldiers; they were temperate because Mahomedans; they were perfectly faithful and amenable to discipline. On several occasions parties had been sent far into the interior to recruit, and the response was always friendly. An attempt had recently been made to induce the Houssas to settle near the Coast, with their wives and families. The real difficulty was that there was a difficulty in procuring a sufficient number of recruits. As to the Coast, he feared the climate and the deficiency of sanitary arrangements there would lead to the loss of valuable officers; but everything that was within their power was being done to remedy the evils which existed.

#### PRESUMPTION OF LIFE (SCOTLAND)

BILL.—(No. 142.)

(*The Lord Watson.*)

#### SECOND READING.

Order of the Day for Second Reading read.

*Moved*, "That the Bill be now read 2."  
—(*The Lord Watson.*)

LORD STANLEY OF ALDERLEY said, there were some points in the Bill on which it would be desirable to have explanations before the Bill was passed, as it appeared some persons might be deprived of their property if absent, even through no fault of their own, as might easily happen to officers in the Navy through shipwreck.

LORD WATSON said, that he hesitated to trouble the House, at that stage, with any details of what was purely a legal Bill, and that for this reason—the Bill had passed through all its stages in the other House, and

*The Earl of Carnarvon*

was there considered by a Select Committee composed of Scotch and English lawyers, who were very well qualified to deal with the subject. He quite confessed that there were many matters of detail connected with the several clauses of the Bill which required grave consideration, and it certainly was not his intention that the measure should be pressed through the House without receiving consideration. He could assure his noble Friend that the noble and learned Lord on the Woolsack and the noble and learned Earl his Predecessor in Office (Earl Cairns) had both undertaken to consider the details of the Bill before it passed through Committee. He should be very happy to receive communications on the subject from any quarter, and to consider them before the Bill passed through Committee.

THE LORD CHANCELLOR said, that the general object of the Bill was to lay down rules as to the period of time within which an absent person might be presumed to be alive. He had no hesitation in approving generally of the Bill; but whether any particular clauses might require alteration was another question.

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Monday next.

House adjourned at a quarter before  
Eight o'clock, till To-morrow,  
half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 11th July, 1881.*

MINUTES.]—PUBLIC BILLS—*Resolutions in Committee*—Public Works Loans [Advances, Remissions, and Amendment of Acts]\*; Public Works (Ireland) [Remission of Loans]\*.

Ordered—First Reading—Customs (Officers)\* [210].

Second Reading—Regulation of the Forces [193]; Turnpike Acts Continuance\* [206].

Committee—Land Law (Ireland) [135]—A.P.

Considered as amended—Metropolitan Open Spaces Act (1877) Amendment\* [9].

Withdrawn—Salmon and Fresh Water Fisheries\* [49]; Parliamentary Elections (Corrupt and Illegal Practices) [1]; Free Libraries\* [43].

## QUESTIONS.

### POST OFFICE (IRELAND)—SUB-POSTMASTERS.

MR. ERRINGTON asked the Postmaster General, Whether it is true that the salaries of some of the sub-postmasters in Ireland are, and have been for the last twenty years, as low as £3 per annum, with a very small commission on the sale of stamps; and whether for this sum they have to attend their offices from 7 a.m. to 7 p.m. on all week days; whether during the last twenty years the business of many of these has considerably increased; and, whether any representations have been made to him as to the inadequacy of this remuneration?

MR. FAWCETT: Sir, in reply to my hon. Friend, I have to state that the remuneration of sub-postmasters, not only in Ireland, but in the rest of the United Kingdom, partly depends upon the amount of business done. A commission is paid on the sale of stamps, and also upon the issue of Money Orders and Postal Orders, as well as upon each savings bank transaction. Hitherto no commission has been given, except in London, upon registered letters. I lately made a proposal to the Treasury that such a commission should be given, and I am glad to be able to say that the Treasury have agreed that in the future a commission shall be given to sub-postmasters and town receivers upon all registered letters, whether issued or delivered. The minimum salary of £3 a-year, which is received by many sub-postmasters, not only in Ireland, but also in the rest of the United Kingdom, does not, it is evident, after what has just been stated, represent the whole remuneration which they receive. As a general rule, a small portion only of their time is occupied. These post offices are usually at shops, to which they attract additional business. At any rate, whenever there is a post office vacant, I believe it is the case that there are a great number of applicants for the appointment.

### NAVY—H.M.S. "VANGUARD."

MR. O'SULLIVAN asked the Secretary to the Admiralty, Why it was that the Admiralty refused to give Captain

Coppin (the contractor for the raising of H.M.S. "Vanguard") an extension of time for so doing, notwithstanding the fact that he wrote to say he would pay all expenses which may be incurred in accordance with the 16th clause of his contract; and, if they were aware at the time that the contractor had laid out over fifteen hundred pounds in preparing for this work?

MR. TREVELYAN: Sir, my hon. Friend will be aware that this is rather an old story, the responsibility for which rests with the late Board. In May, 1877, Captain Coppin contracted to raise the *Vanguard* by the 31st of October, 1878. It was a matter of importance that the work should be done quickly, since the masts were a great danger to navigation, and a lightship had to be kept on the spot at the expense of the Admiralty. On the 25th of August, 1878, Captain Coppin applied for an extension of time, and their Lordships declined, on the ground that—

"There is no evidence whatever to prove that progress has been made in providing the necessary plant for raising the ship."

In September Captain Coppin applied again, and was told that he still "refrained from giving any evidence of preparations made during the past two years." Then, on the 10th of October, Captain Coppin sent in a detail of alleged expenditure amounting to nearly £20,000; but of this over £18,000 was for the steamer *Sherbro* and its fittings. Now, it so happened that on this very 10th of October the *Sherbro* was ordered to be sold by the liquidators of the Salvage Steamship Company; and the balance of Captain Coppin's account was of a nature which did not bear serious examination. Five hundred pounds of it was for Captain Coppin's own time and expenses. The fact is, that no solid and real work had been done towards raising the ship, and the Admiralty had no choice but to allow the contract to expire, in order that the masts might be blown up with gun-cotton, and the navigation once more rendered safe, which service was carried out without delay.

#### STATE OF IRELAND—CAR OWNERS—RENEWAL OF LICENCES.

MR. LALOR asked Mr. Attorney General for Ireland, If he is aware that a

Mr. O'Sullivan

copy of the following Minute has been forwarded to respectable publicans in the Queen's County:—

"Maryborough Quarter Sessions Court,  
21st June, 1881.

"Sub-inspector Grene having reported to the Bench that several licensed persons in the district had since last quarter sessions obstructed the constabulary in the discharge of their duty by refusing to lend them cars for their conveyance on duty, the Chairman directed the sub-inspector to give notice to the parties referred to, that their licences would not be renewed at next annual licensing petty sessions;"

and, if magistrates in petty sessions in Ireland have the legal power to refuse to renew the licences of respectable persons because they refused to lend on hire their cars to constables?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): Sir, I find that the magistrates assembled at quarter sessions at Maryborough on the 21st of June made the Minute stated in the Question of the hon. Member, subject to this qualification—that the refusal referred to was not a refusal to lend cars to the constabulary, but a refusal to hire them. Magistrates in petty sessions in Ireland have, I apprehend, legal power to withhold their certificate of "good character" from any licensed publican keeping cars for public hire who is shown to have assisted in obstructing the constabulary in the discharge of their legal duties by refusing to hire them the cars which he professes to keep for hire by all comers. The object of the Minute in question was, no doubt, that the police should give such publicans due notice that their applications for certificates of good character would be opposed.

MR. HEALY asked whether the refusal to give cars implied bad character?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): The refusal to give cars to the constabulary for the purpose of obstructing them in the reasonable discharge of their duty would, I think, be inconsistent with the maintenance of a good character.

#### TURKEY—THE LATE SULTAN ABDUL AZIZ—TRIAL OF MIDHAT PASHA.

VISCOUNT FOLKESTONE (for Mr. STAVELEY HILL) asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Ambassador at

Constantinople has been instructed to call the attention of the Advisers of the Sultan to the allegations of the grave irregularities in the trial of Midhat Pasha, and to urge upon His Majesty that the execution of that distinguished statesman upon the result of such a trial may be regarded as a judicial murder brought about by political rivals?

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, Whether the Christoferides Effendi, who presided at the recent trial of Midhat Pasha, is identical with the person of the same name who, in May 1871, was an employé of the Turkish Ministry of Police?

SIR CHARLES W. DILKE: Sir, with regard to the first Question, I have to say that this is a somewhat delicate matter. I have already said that communications are passing. Looking to the object which the hon. Member has in view, it would not be wise that I should make any public statement at the present time. The second Question I must answer in the affirmative.

MR. M'COAN said, that as the hon. Baronet had answered his Question in the affirmative, he hoped the House would permit him to add a short rejoinder to that answer. In view of his ability to prove against Christoferides Effendi the grossest corruption in other political functions, he appealed to the Government, in the interests of justice and humanity, to use its influence with the Turkish Government to procure for Midhat Pasha a new trial before an impartial tribunal, or, at least, to have him banished to Europe instead of to some remote Turkish Province, where his early death would be certain.

#### FRANCE—MOBILIZATION OF AN ARMY CORPS.

MR. NORTHCOTE asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government have any information as to the truth of the report published in several daily newspapers of the intention of the French Government to mobilise a force of 120,000 men?

SIR CHARLES W. DILKE: Sir, we have reason to believe that there is no intention on the part of the French Government to mobilize any force at all.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — PRISONERS UNDER THE ACT—TRAVELLING EXPENSES.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in the case of persons arrested under the Coercion Acts, their return travelling expenses have been paid when discharged from prison at a distance from their homes; if not, whether he will arrange about this in future?

MR. W. E. FORSTER, in reply, said, that the Protection of Person and Property Act provided that travelling expenses should be paid in the case of those prisoners who were discharged at a distance of more than five miles from their homes. If the hon. Member knew of any such cases in which the proper expenses had not been allowed, he should be glad to have information on the point.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — PRISONERS UNDER THE ACT—REGULATIONS AS TO VISITORS.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that since Monday last a notice to the following effect is placed in the hands of persons visiting their friends in Kilmainham Prison:—

"The attention of visitors is requested to the rule that conversation with, and letters to, prisoners detained under warrant issued pursuant to the Protection of Person and Property (Ireland) Act should be confined to business and personal matters, and that, in case of political matters being introduced into conversation by visitors or prisoners, the visit will be brought to a close.

"(Signed) Governor.

"4th July 1881."

if it is true that a Member of this House was on Monday last refused permission to copy this notice—first by a warder, and next by the Governor—until he insisted on his right to do so, and gave them the choice of making himself a copy, or temporarily retaining for that purpose the paper which had been placed in his hands; whether he approves of the original refusal of the prison authorities to allow a copy to be made of a document intended for public guidance; if its issue had his knowledge and sanction; and, if he will state which of the eighteen rules made by the Lord

Lieutenant as to the treatment of prisoners (dated 14th March) is the rule referred to in the foregoing notice?

MR. W. E. FORSTER, in reply, said, he was cognizant of the Notice which had been placed in the hands of persons visiting their friends in Kilmainham. He was also aware that a Member of the House was refused permission to copy this notice. He admitted it would have been better if the prison authorities had allowed that Member to have a copy of the notice in the first instance; but he did not think it was a matter of very great consequence. It was a regulation which the Governor had a right to make.

MR. HEALY asked how it was that during the four months the Act had been in operation no such rule or regulation was thought necessary?

MR. W. E. FORSTER said, he could only state that it was found necessary to do this.

#### FRENCH COMMERCIAL TREATIES.

MR. JACKSON asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government will ask permission to send a representative of England to be present at the Conference about to be held to discuss the terms of Commercial Treaties between France and Belgium?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government cannot make any such proposal, as it would be certain to be declined. I have already stated in this House that it would, I believe, be without precedent for a third Power to ask to take part in commercial negotiations between two other countries. If, however, the French Government were inclined to consent to an examination by delegates of the Powers affected of the proposed specific duties, Her Majesty's Government would make no objection.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—NAAS GOAL.

MR. LALOR asked the Chief Secretary to the Lord Lieutenant of Ireland, During how many hours in the day, and in what amount of space, are the prisoners who are confined under the Peace Preservation Act in Naas Goal permitted to take exercise?

*Mr. Healy*

MR. W. E. FORSTER, in reply, said, that the prisoners referred to were allowed to take exercise for four hours a day, and two hours of association in the large hall of the prison.

#### PARLIAMENTARY ELECTIONS ACTS—THE ELECTION COMMISSIONS—EXPENSES.

MR. H. H. FOWLER asked the Secretary to the Treasury, Whether he will lay upon the Table a statement of the costs of the Election Commissions, showing the principal items, and whether such costs have been revised or audited?

LORD FREDERICK CAVENDISH: Sir, if my hon. Friend will move for a statement of the costs of the Election Commissions, showing the principal items, there will be no objection to giving it. The costs in each case have been examined at the Treasury before being allowed.

#### WAYS AND MEANS—INLAND REVENUE—AFFIDAVITS OF EXECUTORS.

MR. H. H. FOWLER asked the Secretary to the Treasury, Whether the affidavit of executors disclosing the amount of the debts of their testator is not a confidential document for the exclusive use of the Revenue officials; and, if so, if he will state by whose authority the contents of these affidavits are communicated to the public press?

LORD FREDERICK CAVENDISH: Sir, the affidavits referred to in the Question are strictly confidential. Their communication to the Press would be wholly unauthorized, and, if made by an official, would render him liable to dismissal. The subject is now under the consideration of the officials at the Probate Registry, with a view to insure that the particulars contained in the affidavits are not allowed to transpire.

#### NAVAL DISCIPLINE ACT AMENDMENT BILL—FLOGGING.

SIR JOHN HAY asked the Secretary to the Admiralty, Whether Her Majesty's Government will be inclined to grant a Committee of this House to inquire into the provisions of the Naval Discipline Act Amendment Bill, in accordance with the wish of Naval officers who are members of both political parties in this House, as shown by the

Notice on the Order Book, which there has been no opportunity to discuss; and, whether, seeing that the infliction of the sentence of corporal punishment can be suspended by Order in Council, Her Majesty's Government will, in preference, consider the prudence of so suspending it, rather than abolish entirely a punishment which, especially on distant and detached service and in time of war, is held by many essential to the maintenance of the discipline of the Navy?

**MR. TREVELYAN:** Sir, with regard to the first part of the Question, the Government are not willing to grant a Committee which would re-open the question of corporal punishment. That punishment has been abolished in the Army, and the Government, as far as in them lies, have decided to abolish it in the Navy. I understand that the right hon. and gallant Baronet is prepared to apply to the Naval Discipline Act Amendment Bill an amount of unfavourable criticism, which will take it out of the category of measures which the Government proposed to press. Under these circumstances, the Bill will not be proceeded with this year; but a Circular Letter will at once be written to commanders-in-chief and senior officers acquainting them that all the Regulations authorizing the use of the lash as a summary punishment are to be considered as cancelled; that as the powers of courts martial to award sentences of flogging can only be removed by legislation, commanders-in-chief are to take care that such sentences are not carried into effect without reference to the Admiralty in each case; and that the president of every court martial should be advised that corporal punishment should not form part of the sentence. This letter will, I think, meet the views of the right hon. and gallant Member, as expressed in the last part of his Question.

**SIR JOHN HAY** said, the hon. Gentleman had conceded what he desired.

#### CRIMINAL LAW—CASE OF EDMUND GALLEY.

**SIR EARDLEY WILMOT** asked the Secretary of State for the Home Department, Whether he has considered the Memorial presented to him by more than 5,000 of the inhabitants of the county of Devon, on behalf of the con-

vict Edmund Galley, to whom the House of Commons unanimously, in 1879, prayed Her Majesty to grant a free pardon; and, whether Her Majesty's Government will award him compensation for his sufferings abroad for a period of upwards of forty years, so that he may be enabled to pass the residue of his life in his native country?

**SIR WILLIAM HARCOURT:** Yes, Sir; I have seriously considered the Petition; but, as my hon. and learned Friend knows, this matter was fully considered in the House of Commons in 1879. After that consideration of the matter, I should not feel justified in awarding the compensation to which he refers.

**SIR EARDLEY WILMOT** said, that in consequence of the answer of the right hon. and learned Gentleman, he would feel it his duty to call attention to the subject on going into Committee of Supply.

#### ARMY—DEATHS BY SUNSTROKE AT ALDERSHOT.

**SIR ALEXANDER GORDON** asked the Secretary of State for War, If he will state the numbers of the regiments to which the three men belonged who died at Aldershot of sunstroke the other day, in consequence of those regiments "hurrying the pace" in their anxiety to get back to their lines; if he will cause the commanding officers of those regiments to be reminded that anxiety to get back to luncheon or dinner does not justify them in setting aside the General Orders with respect to "marching" which have long been in existence for the safety and well-being of the troops; and, whether he will lay upon the Table of the House a Return showing, by regiments, the total number of men who fell out of the ranks on the 4th of July? He also wished to ask, Whether it is true that no less than six deaths have now occurred?

**MR. CHILDERS:** No, Sir; it is not true. In reply to the Question of which my hon. and gallant Friend has given Notice, I have to state that two of the three men who died of sunstroke on the 4th instant belonged to the 1st Battalion of the Royal West Surrey Regiment (the Queen's), and one to the 3rd or Militia Battalion of the Middlesex Regiment. Of these three men, two were, as I stated the other day, found on the



inquest to be predisposed to sunstroke, by habit of body. The instructions issued last Tuesday about exercising the troops in hot weather give, in the opinion of the Commander-in-Chief, a sufficient warning to commanding officers. With reference to the last part of the Question, I see no occasion to give this detailed Return, which would be of no practical value to the House. If my hon. and gallant Friend will call on me, he is welcome to see the Returns.

ARMY VETERINARY SURGEONS—  
WARRANT OF 1878.

MAJOR O'BEIRNE asked the Secretary of State for War, Whether certain actuarial calculations, bearing upon the reconsideration of the Army Veterinary Warrant of 1878, and which the late Secretary of State for War stated in the House of Commons, on the 7th August 1879, were necessary in order to enable him to form an opinion as to the necessity of altering the terms of the Warrant in question, have been completed; and, if so, has he come to any conclusion as to the reasonableness of the complaints of Army veterinary surgeons as regards the operation of the Warrant of 1878, and is it contemplated to modify the terms of the present Warrant so as to remove the disabilities complained of?

MR. CHILDERS: Sir, in reply to my hon. and gallant Friend's Question, I find that the actuaries' calculations to which he refers were completed in September, 1879; but that after considering them, the late Government determined not to alter the Warrant of 1878.

ARMY ESTIMATES—NATAL AND THE  
TRANSVAAL MILITARY EXPENDITURE.

LORD EUSTACE CECIL asked the Secretary of State for War, Whether, antecedent to the approaching Debate, he will place upon the Table any Supplementary Estimate of the Military Expenses incurred between the 1st of January and the 1st of July of the present year, together with a statement of the number of Troops of all arms now stationed in Natal and the Transvaal?

MR. CHILDERS: Sir, so far as we can at present calculate, and I think that our information is accurate, no Supplementary Estimates will be required for military expenses on account of the

troops in Natal and the Transvaal between the 1st of January and the 1st of July instant, and we are at present considering with the Colonial Office what reduction can be made, and when, in the garrisons of that part of South Africa. If my noble Friend will move for a statement of the number of troops now in Natal and in the Transvaal, it shall be given without delay.

STATE OF IRELAND—CO. LIMERICK—  
SHERIFF'S SEIZURE FOR RENT.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that the sheriff of the county of Limerick, accompanied by several hundred soldiers and police, seized on twenty-eight cows, the property of Mr. Patrick Browne, on the 23rd ultimo, for one year's rent due to Charles John Coote; whether four respectable and substantial persons offered the sheriff to go security for the amount due if the cows were allowed to remain on the farm until Mr. Browne (who was undergoing a surgical operation in Cork) returned home; whether the sheriff refused this security; and, if so, could he state the grounds on which he did so; did he send the cows to Limerick City, a distance of twenty-three miles, to be sold, in the place of keeping them at the local pound at Kilmallock; is it true that Browne owed only one year's rent up to last Gale day, and was put to £45 5s. costs by his landlord, which he had to pay; and, whether this seizure occurred on the same property as the eviction of Denis Murphy with his wife and six children, which took place in the same parish last month?

MR. W. E. FORSTER, in reply, said, it was true that the sub-sheriff of Limerick did seize for one year's rent the cows referred to; but he was informed that it was not a fact that four respectable and substantial persons offered to become security, and that no actual offer of the kind was made at all. The real facts were that when the cattle were driven to Kilmallock by order of the sub-sheriff some of Mr. Browne's relations begged the principal local Land Leaguers to sign a security for the rent; but when it came to a question of security they declined. The cattle were taken by train to Limerick. Had the cattle been kept in Kilmallock serious

*Mr. Childers*

disturbances and riots might have been the result. In addition to paying the year's rent, £158, Mr. Browne had to pay £45 14s. costs. It would be more correct to say that Mr. Browne was put to this extra expense by the Land League rather than by the landlord. He was informed that Mr. Browne was a rich and prosperous farmer, holding under more than one landlord, and well able to pay his rent. He refused to pay the rent at first in obedience to the Land League; and, as Mr. Browne was a very respectable man, he attributed that refusal to terrorism. His reason for that opinion was that he was informed that some months ago Mr. Browne was suspected of having paid his rent, and in consequence was "Boycotted" at market and could not sell his farm produce. On another occasion his sons were hunted through Kilmallock by a violent mob, because their father was suspected of paying his rent, and they had to be rescued by the police. It was true that the seizure was made on the same day that Denis Murphy was put out of the farm of which he took forcible possession, and to which he had no claim whatever.

**PUBLIC WORKS DEPARTMENT (INDIA)  
—THE CIVIL ENGINEERS.**

MR. CARBUTT asked the Secretary of State for India, Whether any scheme for the reorganization of the Indian Public Works Department is under contemplation, and whether it would in due course be laid before the House; and, whether due consideration would in any such scheme be given to the frequent request from the Civil Engineers in the service for an amelioration of their pension rules, and for equality of treatment generally with officers of the Royal Engineers in the same service?

THE MARQUESS OF HARTINGTON: Sir, the question of re-organizing the Engineering branch of the Public Works Department in India is now receiving the consideration of the Home Government, and due attention will be given to representations which have been made in respect to the pension rules and to the position generally of the officers of the Department. The question will form the subject of communications between the Secretary of State and the Government of India, and when a

scheme has been settled there will be no objection to lay the same before the House.

**PROTECTION OF PERSON AND PRO-  
PERTY (IRELAND) ACT, 1881—  
ARRESTS IN CORK.**

MR. DALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that at Cork, on Monday 4th July, Mr. John O'Connor, of that city, was arrested under a warrant charging him with being suspected of treasonable practices; whether it is true that on Wednesday 6th July, Mr. Patrick J. Murphy, a town councillor of the borough of Cork, was arrested at Cork under a warrant charging him with being suspected of treasonable practices; whether it is true that the treasonable practices alleged against these gentlemen consisted in their having advised members of the Royal Irish Constabulary to resign their positions in that Force, and to emigrate rather than to assist in evicting from their homes their fellow-countrymen and their families; and, whether, if this be not the reason for those arrests, he will state to this House when and on what occasions the treasonable practices were committed on suspicion of being concerned in which these gentlemen were arrested?

MR. W. E. FORSTER, in reply, said, he hoped the hon. Member would not think it discourteous in him if he gave the same answer to this which he had given to similar Questions—namely, that he could not state the grounds. It would be found in the Warrant that the persons named had been arrested on reasonable suspicion.

MR. DALY wished to know whether the right hon. Gentleman would answer the concluding paragraph of his Question?

MR. W. E. FORSTER said, he must decline to answer it further than he had done.

MR. DALY said, that as the right hon. Gentleman declined to answer the Question he should feel it his duty to call attention to the subject. [*Cries of "Order!"*] He had no desire to obstruct Business; but any reasonable man would think him justified in raising a question which involved the liberty of two of his constituents. [*Renewed cries of "Order!"*] He would conclude

with a Motion. During the present Assize Circuit, testimony proceeding from the Judges had been given to the great improvement which had taken place in Ireland; and the testimony of an unwilling witness as to the improved demeanour of the people was given by the Irish Correspondent of *The Times* in that morning's paper. The two men who were arrested were personally known to himself. Mr. O'Connor he had known for a series of years, and he knew that in honour and respectability he need yield to no man in that House. Mr. Murphy was a well known Councillor in the Corporation of which he (Mr. Daly) was an Alderman; and, therefore, he could speak not only as to his respectability, but also to the part he had taken in public affairs. He (Mr. Daly) could not but think, taking into account the improved state of things in the country, that these arrests must create in the minds of many the greatest apprehension, for they had no assurance why or when they might not be deprived of their liberty like these two gentlemen. The Chief Secretary for Ireland had been intrusted with extraordinary power; but it was intrusted to him to meet a state of things which it was acknowledged did not exist now, if the testimony of the Irish Judges was to be accepted. It was no answer for the Chief Secretary to say he could give no information. These two men would, perhaps, lose their lives from this imprisonment, and certainly would lose their social position. Their arrest in no way afforded any protection to the State, but would be fruitful in keeping up, by intention, the agitation that unfortunately did exist in Ireland. He protested against those arrests; and every Member who took any interest in Constitutional liberty was bound to see that the Chief Secretary to the Lord Lieutenant answered the questions which had been asked in a satisfactory manner. He begged to move that the House do now adjourn.

Mr. PARNELL said, he rose to second the Motion as a protest against the arrest of two of the most respectable men in the City of Cork, and against whom the Government could find no cause of accusation whatever as regards their connection with the Land League. The Government, therefore, had taken refuge in a charge of this kind, which could be trumped up against anybody, and the

*Mr. Daly*

details of which they refused to give. It was most desirable that the House should know how this matter rested. Information was not wanted when it was of a secret character, and when it was desirable to keep it secret. They recognized, to the fullest extent, the discretion of the Chief Secretary not to give information where it was likely to lead to any violence against the party who had given the information on which the arrest had taken place. But the vast majority of those imprisoned under the Coercion Act had been arrested for acts openly and publicly committed, and speeches delivered on public platforms and in presence of Government shorthand writers. Therefore, it was, in such cases, impossible that the Chief Secretary could make the excuse which he advanced during the passing of the Coercion Bill, that the information must be kept secret. It was perfectly impossible, from the nature of the case, that Mr. O'Connor or Mr. Murphy could have been arrested for any secret offence. His hon. Friend had asked whether Mr. O'Connor was arrested for the speech he had delivered in the presence of the Government shorthand writers, and which was reported in all the newspapers, in which he advised the Irish Constabulary to emigrate; and the details for which he asked were refused. It was manifest to everybody that the details asked for in that case—if the alleged allegation in the Question was correct—could not endanger anyone. In the case of all those highly respectable men who had been arrested in Ireland, the Government could give the requisite information without endangering in the slightest degree the safety of any individual, because, in most cases, the information was derived from the shorthand writers and the public newspapers. When the Coercion Act, which, they maintained, was so shamefully abused, was passed, they predicted it could be used for the purpose of putting down open combinations, and open and advised speaking in Ireland. The Chief Secretary said he wanted it to put down "village ruffians;" but the result had justified their expectation that it would be used to arrest the leaders of the Land League in Ireland. Mr. O'Connor was a man who had done more than anyone else in Cork to prevent outrages, and yet he had been arrested upon a vague

charge. It should be known to the world that there were now in prison over 200 respectable men, and the Government refused to give to the House the information on which they had been arrested. The Prime Minister had told them that every arrest would be open to challenge on the floor of the House; but when they impugned the conduct of the Chief Secretary they were told he was ready to meet any charge of censure they might move against him. But the fact was they could not support a Motion of Censure without the information for which they sought in vain. Of course, if the Chief Secretary was conscious that he was abusing the powers intrusted to him, those extraordinary powers were a most important protection to him; but he asked whether it was fair to those 200 respectable men—the majority of whom he would say were as respectable as any hon. Member of that House. Those men were entitled to know the offences with which they were charged, and it was useless for the Chief Secretary to shelter himself behind the allegation that the House had intrusted him with the power he possessed. The power was intrusted to him to use against the “village ruffian,” and he had used it against town councillors, clergymen, and Members of Parliament—against anybody but those for whom the Act was passed; and they had no hesitation in saying that, if the truth were known, it would be seen that the offences of those men who were imprisoned were offences against which the Act was not originally directed. They had taken too little notice of these outrageous arrests, and permitted the character of those gentlemen who were imprisoned to be taken away by the Chief Secretary. He protested against the information which was asked being so persistently refused by the Chief Secretary.

Motion made, and Question proposed, “That this House do now adjourn.”—(*Mr. Daly.*)

MR. W. E. FORSTER said, he would not enter into the details asked by the hon. Gentlemen; but it must not be supposed that he admitted the correctness of their statements. He acted thus in the belief that, in the opinion of the House, he ought not to enter into details. He did not admit the interpretation the

hon. Member for the City of Cork (Mr. Parnell) put upon what he (Mr. W. E. Forster) had said at the time the Coercion Act was brought in, neither did he agree in his statements with regard to the prisoners themselves. In regard to the two cases in question, he did not feel obliged to give the special grounds for the arrest of these prisoners any more than he did for the others. He should follow now the course he took on the arrest of the hon. Member for Tipperary (Mr. Dillon)—a course which was supported by the majority of the House. On that occasion he stated that, when the adjournment of the House was moved, and when the sense of the House could not be definitely taken on the issue raised, the Government did not think they ought to enter into any defence of the action they had taken; but he was quite ready to defend that action whenever a definite charge was brought, and the Government had the opportunity of meeting it.

SIR JOSEPH M'KENNA said, that, in all probability, for every guilty man arrested by the Government there were five or six innocent men. The Question of the hon. Member for the City of Cork (Mr. Daly), or, at any rate, the right portion of it, might reasonably have been answered without any great departure from the principles hitherto maintained by the right hon. Gentleman. The right hon. Gentleman did not now follow the course he took on the arrest of the hon. Member for Tipperary, for he then quoted from speeches which the hon. Member had made.

MR. W. E. FORSTER: I did so in reply to a definite Question.

SIR JOSEPH M'KENNA did not know whether the present Motion of the hon. Member for the City of Cork was definite enough to enable them to get at the root of the complaints against Mr. John O'Connor and Mr. Patrick Murphy. He knew one of these men, and was sure he was innocent of anything justifying his arrest. His desire, and the desire of those who supported the Motion, was to obtain sufficient information to enable the friends of Mr. O'Connor and Mr. Murphy to prove, or at least attempt to prove, and establish their innocence; but they could not do so unless they were made aware of the grounds of suspicion on which they had been arrested. These almost indiscriminate

arrests were calculated to add fuel to the flame in Ireland rather than to extinguish it.

Mr. JUSTIN M'CARTHY said, the Chief Secretary had declined to give information on a Motion for the adjournment of the House, and, only last week, when a noble Lord (Viscount Sandon) moved the adjournment of the House because the Government had not furnished a translation into English of a document already issued in French, the Prime Minister said he did not complain, because the question was one of public importance, and there was no chance of finding another opportunity to bring it forward. These arrests were surely matters of as much importance as an English translation of a French document; and there was, therefore, some authority for the Chief Secretary to deviate from what he said was his course, and to give some information on the Motion for Adjournment. There was a danger of the House getting gradually accustomed to these arrests, and losing sight of what was involved in the suspension of the Constitution; and, therefore, there was good reason why the attention of Members should be emphatically called to each successive arrest when it was made. From day to day there were now being arrested in Ireland men of the highest character on no stated charge, and without any information being given to the House. They appeared to be arrested not even on the suspicion of their having committed any crime, but because they were active members of the Land League, which had been authoritatively declared to be not an illegal body. Every English Member who valued Constitutional liberty ought to join in protesting in some way against these arrests. As there was no other means of doing it, the Irish Members were driven to move the adjournment of the House.

Mr. DAWSON said, that, as a Member of the Municipality of Dublin, he thanked the hon. Member who was connected with the Municipality of Cork for asking the reasons why a member of that body had been arrested. It was not worthy of the Chief Secretary to take refuge in a mere point of Order, or to speak of the absence of a definite charge. Were he the hon. Member for the City of Cork (Mr. Daly) he would not allow the right hon. Gentleman to

have any such excuse. If he could actuate the Irish Party, if he could influence the Irish nation, if he could bring the Party to which he belonged to a sense of duty, he would not be content with asking Questions and making Motions in that House, but would draw the attention of Europe to the frivolous nature of the charges brought against Irishmen. [*A laugh.*] Hon. Gentlemen did not laugh when the attention of Europe was directed, as it was at the Congress of Berlin, to the conduct of Turkey. They did not laugh when attention was drawn to the treatment of foreign prisoners. If Ireland could only be transplanted into Bulgaria or Naples—if they could only substitute in the history of Ireland the name of Mazzini or Garibaldi for O'Connell, hon. Gentlemen would act very differently. As a member of the Corporation of Dublin, he had to say that he thanked his hon. Friend for having had the courage and the good sense to call attention to the incarceration of one of his colleagues; because, when the Government imprisoned the representatives of the people of Ireland without trial they did a dangerous, impolitic, and an unstatesmanlike thing. He wished to affirm, as he had done previously, that the police of Ireland were not preservers of civil order, but were, in every respect, a military force. They were a noble body of men, whose moral character deserved the warmest support; but they were essentially a military force. He was in the country a few days ago, when he saw a man driving a horse and cart; the man, as if seized with a fit, fell from the cart, and the horse moved on unattended. There were standing by three stalwart policemen, and what did they do? These guardians of civil order and peace turned upon their heels, ran into their barracks, and shut themselves up. [*A laugh.*] It might be a laughable matter for those who wished to take it in a comic sense; but he went to the barracks and told the police authorities that he should bring the matter, if necessary, before the notice of the House of Commons. Then they condescended to turn out and assist the unfortunate driver. This instance only showed that the police were schooled or more inclined to sniff out cases of treason than to discharge their primary duties, which the people of Ireland had a right to expect

*Sir Joseph M'Kenna*

from them. He had great pleasure in supporting the Motion, and trusted every subsequent arrest of the kind would be followed by a notice such as the present.

MR. O'CONNOR POWER said, he was sorry that the right hon. Gentleman the Chief Secretary to the Lord Lieutenant was not able to be present on the occasion of the close of a debate in the House a short time back on a substantive Motion bearing on the question now under consideration, because some suggestions were made as to what might be done in order to allay the prevailing widespread suspicion that many innocent men had been arrested under the Coercion Act. Without doubt, the right hon. Gentleman was within his right in concealing from the public the evidence on which his warrants of arrest were issued; but, at any rate, he ought to permit persons so arrested to lay before him statements in exculpation of themselves. In any country subjected to coercive legislation there was always found a large number of people who were willing to suspect and to accuse people in the most deliberate manner for considerations of the most miserable kind. Anyone who had read the history of coercion in Ireland must be aware that this was a time peculiarly suitable for such persons to ply their trade, and in the case of everyone arrested under this Act the Chief Secretary ought to give them the opportunity of meeting the accusation. Although he had felt during the present Session that the Government had a great many difficulties to contend with in the government of Ireland, he had never concealed his opinion, and never should, that a Government that could not govern Ireland without coercion was not entitled to govern Ireland at all, and the sooner that position was hammered into the English public mind the better chance there would be of laying permanently the foundation of peace and good order between the various classes of Irish people, and peace and good-will between the people of Great Britain and Ireland. He appealed, therefore, to the Chief Secretary to give to every man arrested under this Act an opportunity of laying a statement of his case before the Viceroy, in order that it might be ascertained how far the accusations on which he was arrested were really founded on fact or not. He considered the two hon.

Members for the City of Cork, in cases of this kind, had no option but to move the adjournment. They had the advantage of being acquainted with the gentlemen who were the most recent victims of the Coercion Act. They spoke from personal knowledge, and made themselves responsible for the characters of the two gentlemen. He therefore joined them in a Motion which was not obstructive, but which was made with the object of eliciting information which he thought the right hon. Gentleman might give without impairing either law or order in Ireland.

MR. T. P. O'CONNOR said, he wished to say a word in the interests of the Liberal Party. He was a very strong Liberal in his general opinions, and he believed he expressed the opinions of the Liberal Party generally, certainly of those below the Gangway, when he said that no news could give them more unalloyed joy than the news that the Cabinet was rid of the Chief Secretary. ["Oh!"] He challenged any Radical to deny that in the opinion of the entire Radical Party, and of all political leaders of the Liberal Party throughout the country, especially the North of England, the Chief Secretary was the ruin of the Party. ["Oh," and "Order!"] He was sorry to see that the Prime Minister at this moment was not awake. He believed the right hon. Gentleman was sincerely anxious to do his best according to his lights and opportunities for Ireland; but if the right hon. Gentleman wanted to send a real message of peace to Ireland he should insist on the resignation of his right hon. Colleague. The action of the right hon. Gentleman had been described in no very flattering terms in newspaper articles signed with the name of the junior Member for Newcastle-on-Tyne (Mr. Ashton Dilke), and had also been referred to in a similar sense by deputations of Northern Miners' Associations, whose reports had met with the approval of the Prime Minister. Another comment upon the conduct of the right hon. Gentleman was to be found in the way in which certain respectable ladies—ladies quite as respectable as the wives of Members of this House, and some related by blood to a Member of that House—had been treated by Major Clifford Lloyd, one of the pets of the right hon. Gentleman, a magistrate who had dragged these ladies

through the mire of a police court for no greater offence than that of standing at their own doors in their native town. Attention was called to these proceedings by a Scotchman, Dr. Boyd Kinnear, who said they would do credit to the Third Section in Russia. This Major Lloyd acted as policeman, spy, and informer, and the next day he changed his garb and sat as a judge in the cases he had himself instigated. At the trial of these respectable ladies the policeman swore they used insulting language towards him, and when asked what it was his modesty prevented him from answering. Pressed, however, for an answer, he said they called him "Major Lloyd's pet," and that they had obstructed the thoroughfare, although it was not stated who had been obstructed. This was the kind of thing that was going on in Ireland, and which the Chief Secretary liked, encouraged, and stimulated. The Chief Secretary had been warned against sending this Major Lloyd to Ireland on the ground that he was a firebrand. But it was a firebrand that the Chief Secretary wanted, in order that, having set Ireland in a blaze, he might the more easily ride rough shod over the Irish people. Things were going on in Ireland which were sufficient to make any people rise against the Ministry, and especially against the Minister who permitted them to take place. He was never afraid to express his opinion upon any subject; and he ventured to say that he sincerely believed that there was not a man in that House who was more sincerely desirous of sending a message of peace and goodwill to Ireland than the right hon. Gentleman the Prime Minister; but, notwithstanding that fact, he still permitted the right hon. Gentleman the Chief Secretary to persevere in the coercive course he had adopted towards the Irish people. It was most unfortunate that, side by side with the Bill now before the House, which, although it fell short of the requirements of the Irish people, would, when it became law, have a healthy, beneficial, and tranquillizing influence, this bitter memory and hate of the Chief Secretary should be allowed to grow. He appealed to the Prime Minister, by his better instincts and by his good intentions towards Ireland, not to estrange, but, if possible, to bring the two peoples closer together—to bridge over the

*Mr. T. P. O'Connor*

chasm. [*A laugh.*] The hon. Member for Galway (Mr. Mitchell Henry) laughed; but he maintained he had done more to bring the English and Irish people together than he who misrepresented the people of Galway had ever done. If the First Lord of the Treasury even now said—"We will close the bitter chapter of Irish history, and we will send a message of consolation to the Irish people"—it might not be too late yet to bring about that result; but the first step in that direction was to do away with the Minister who was responsible for coercion—the man who led English opinion astray on the question—the man who dragged his Colleagues into the wretched mire of coercion—this must be the holocaust which must precede the conciliation of the Irish people.

MR. J. N. RICHARDSON said, he rose with great diffidence, because he should be sorry to fall out with the hon. Member for Galway (Mr. T. P. O'Connor), and because he did not desire to say a word in favour of coercion. But he did not feel justified in remaining silent after the language that had been used towards his right hon. Friend the Chief Secretary for Ireland. He was not surprised that the right hon. Gentleman did not satisfy Irish ideas; but he believed that the House would be of opinion that no more conscientious statesman ever sat upon the Treasury Bench. The Prime Minister and the Chancellor of the Duchy of Lancaster might be deservedly praised as the friends of Ireland; but neither of them had seen with their own eyes the misery and sufferings which had been produced in Ireland by famine and by bad laws. It was not so with the Chief Secretary. He had believed the right hon. Gentleman took Office last year not through any shuffle of the political cards, but with an honest and sincere desire to carry through remedial legislation for the Irish people. It was a remarkable fact that before any coercive legislation had been introduced into Ireland the right hon. Gentleman had been denounced in that country, and that his name had been associated with certain ammunition. He did not think that the hon. Member opposite would do the cause he advocated much good by firing off these severe and bitter shots across the floor of the House at the right hon. Gentleman.

MR. FINIGAN said, he had heard in the House that night certain interesting Questions put with regard to the fate of Midhat Pasha; but when similar circumstances to those connected with Midhat Pasha occurred in Ireland, then Englishmen had no interest in the matter. He would have thought that in such cases as those which they were discussing the Government would have had more than ordinary information; but if these men were really guilty of treasonable practices, why did not the Government proceed against them in the ordinary way? The Government could easily have sought and obtained a verdict from a jury, and that, no doubt, they would have done, but that they knew the men in question were not guilty. The Irish Members had proceeded in that way simply for the purpose of calling the attention of the English people to circumstances which they would reprobate if carried out in any other country than Ireland. The arrests had been a great error on the part of the Chief Secretary, who was a most mistaken and misguided man; and he had proved to the present Ministry, as he had proved to the last Liberal Ministry, its evil genius. Probably, however, the right hon. Gentleman would not have taken that course if he had not been cheated into it by the permanent officials at Dublin Castle, who were fully as corrupt as the servants and Ministers of the Sultan, and with them no more good would be done in Ireland than would be done in Turkey with the present officialism. Until they governed Ireland as they governed England—with the consent of the people—they would never have that peace and concord which they all desired. If it was decided that this coercive policy should be abolished at the same time that the Land Bill was given to the Irish people it might do something, and create confidence in this Liberal Ministry, and produce peace and concord in Ireland; but so long as men were arrested on mere suspicion, without trial, the Government must be content to witness such scenes as these, and the continuance of the use of every method of stopping Public Business, which the Rules of the House permitted.

MR. MACARTNEY said, that reference had been made by hon. Members as to the feelings of hostility that existed in the North of Ireland in regard to the Chief Secretary; but he (Mr. Macartney)

wished to contradict such a statement, as far as the Party he was identified with, point blank. The opprobrious epithets which had been applied to the right hon. Gentleman had never emanated from the Conservative Party in Ireland. On the contrary, they regarded the right hon. Gentleman's tenure of Office with great satisfaction. Not that they approved of absolutely everything that the right hon. Gentleman had done; that was, of course, impossible; but as a statesman, as a Member of the House, and as a man, they had no stone to throw at him. All he could say was that it would be impossible to expect an honourable and sensitive Gentleman to act as Chief Secretary if every occupant of the post was assailed with unmitigated hostility and the most virulent attacks.

MR. GLADSTONE: On Motions of this kind, which most of us consider illegitimate, a Member of the Government may as well keep silent, and that is the rule that I have hitherto uniformly acted upon; but there are occasions when that is impossible, and then I think my duty takes the form of saying what is necessary and no more. I rise, therefore, to give utterance to a single sentence, which I think the House will feel cannot be dispensed with after the attacks that have been made upon my right hon. Friend. Admirably as my right hon. Friend has been vindicated by the hon. Member from the North of Ireland (Mr. Macartney), it would be impossible for the Members of the Government, and for me as their Representative, to allow these attacks to pass over without saying one word in relation to them. Sir, I cannot accept any of the compliments given me by the hon. Member for Galway (Mr. T. P. O'Connor), upon pretences which would be untrue and unfounded. And now, with reference to my right hon. Friend, I wish to say simply these two things—that if there is anything severe, harsh, or unwarrantable, either in the powers which have been obtained from this House or in the present administration of the laws of Ireland, he is not one whit more responsible for it than the Members of the Government to which he belongs, and no distinction whatever can be drawn between us and him. And if, on the other hand, in the Bill now before the House, there is anything kindly or beneficial to the Irish people, there is no



Member of the Government to whom the credit is in any degree due more than to my right hon. Friend.

MR. HEALY said, he must congratulate the Chief Secretary on his defender from the North of Ireland, a Gentleman who represented the most aggressive form of Conservatism, who said that, having watched his career in past years, he was delighted at the appointment of the right hon. Gentleman to the Irish Office. It was not to be wondered at that the Prime Minister should endeavour to defend his Colleague; but he (Mr. Healy) still wished to know what good the Chief Secretary had done, who wanted him, and why he was not sent somewhere away? What they complained of was, not that the man was merely unfit for his position, but that he was an absolute failure. [*Cries of "Order!"*] It was all very well for hon. Members to cry "Order;" but the Irish people were those who were most concerned; it was their country which was being misgoverned; it was they who felt where the shoe pinched. He begged to suggest to the Prime Minister that there were probably many places in the wide British Empire in which the services of the right hon. Gentleman would be more appreciated than they had been in Ireland. Why not send the right hon. Gentleman to Hong Kong? [*Cries of "Order!"*] Bulgaria, he heard, was in want of a King, and the right hon. Gentleman knew as much of Bulgaria as of Ireland. He had travelled there during the atrocities, and perhaps he had imported some of his experience into the government of Ireland. One of the meanest and shabbiest acts ever performed by a responsible Minister was the arrest of these two men on suspicion of "treasonable practices," but really for their connection with the land agitation. One of them he knew personally and well. There was not in Ireland a more loyal man than Mr. J. O'Connor; but his loyalty was to his countrymen, the Irish people. If such a man had worked as unflinchingly for the people of this country, he would not be in a prison cell at this moment. Some time or other, please God, the right hon. Gentleman's tenure of Office would run out, and then these men would issue from their cells and be received with acclamation by the Irish people when the

right hon. Gentleman lay howling. [*"Oh!"*]

SIR STAFFORD NORTHCOTE: Sir, I can truly say I am not anxious to prolong this discussion. But it is hardly fit or proper for me to sit entirely silent and hear such an abuse of the Rules of the House, as I consider this to be, without saying one word by way of protest. The practice of moving the adjournment of the House at Question time has frequently been remarked upon, and well deserves the consideration of the House. But at present we have the practice established. When there is sufficient cause for discussion, no doubt it is an arrangement which hon. Members have a right to resort to. But it is an entire abuse even of that privilege which is so elastic, when it is made the occasion for the sort of personal attacks upon the Benches opposite to which we have so frequently listened. If hon. Members have cause to bring forward these questions they can do so at a proper time; and if they desire to challenge the conduct of the Government, I am not here to say upon all parts of their Irish policy, I would defend it. But this sort of personal attack is one which I think deserves the reprobation, and certainly the disfavour, of all hon. Gentlemen.

MR. LEAMY said, he wanted to know how they were to describe the Minister's policy towards Ireland if they were not to use strong language. The hon. Member for Armagh (Mr. J. N. Richardson) had said that the right hon. Gentleman was one of the most conscientious Ministers that ever came to Ireland. That also was his opinion when the right hon. Gentleman came first to Ireland; but it was not his opinion now. The right hon. Gentleman went to Ireland as the Representative of a Liberal Government. But the Orange Emergency Committee, in a pamphlet issued the other day, stated that they had induced the right hon. Gentleman to forbid assemblies of people at sales, and they issued, "a list of farms in Ireland for which Protestant tenants were required." It was that proselytizing spirit which the right hon. Gentleman was bolstering up in Ireland. The Chief Secretary, therefore, instead of representing a Liberal Ministry in Ireland, was nothing more than the instrument of petty despots and the tool in the hands of the Orange Emergency

*Mr. Gladstone*

Committee. He did not believe, in the whole history of Ireland, there was an instance of any man having fallen so suddenly, swiftly, and irretrievably from popular confidence. He did not wish to make any personal attack, he would only say that the system of misgovernment in Ireland would shock hon. Members opposite if they were only aware of it. A large number of Liberal Members stated at the time of the passing of the Coercion Act that they voted for the measure with reluctance. There was, therefore, every reason that they should see that the Act was not carried out unfairly.

MR. BIGGAR said, that the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote) had blamed his hon. Friend for moving the adjournment of the House. But it was not so many days since a noble Lord (Viscount Sandon), a Member of the right hon. Gentleman's Party, moved the adjournment of the House on a question of not so much importance. The Question of the noble Lord was only whether the Government would publish a clear statistical Paper. The Irish people were tyrannized over by an autocrat who was allowed by the House to do what he pleased without giving a reason for his conduct. The hon. Member for Armagh (Mr. J. N. Richardson) stated that the right hon. Gentleman had seen more of the misery of Ireland than any other Member of the Government. That was a reason why the right hon. Gentleman should protect the people instead of making himself the instrument of the landlords. Under these circumstances, the House would do well to agree to the adjournment, that the Government might consider whether they would keep the right hon. Gentleman as Chief Secretary. Why did not the right hon. Gentleman the Chief Secretary resign? They talked of emigration—why did the right hon. Gentleman not emigrate? He was told on Saturday that the right hon. Gentleman was going to be sent to India. He did not know whether that was so or not, but he was delighted with the news. But if he were sent to some much warmer climate on the recommendation of the Commander-in-Chief of the Forces, he would be likely to receive a less retiring pension, and be less of a burden to the ratepayers.

Question put.

The House divided:—Ayes 26; Noes 305: Majority 279.—(Div. List, No. 299.)

#### EGYPT—SLAVE TRADE IN SOUDAN.

MR. BRETT asked the Under Secretary of State for Foreign Affairs, Whether, considering the great increase of the slave trade in the Soudan, since the appointment of the present governor of that province, Her Majesty's Government will consent, first, to make further representations to the Khedive on the subject; and, secondly, to appoint British Consuls at Khartoum and Suakim?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government lose no opportunity of urging the Khedive to do all in his power to put down the Slave Trade in his Dominions, and have reason to believe that His Highness is sincerely desirous of hastening its abolition. The appointment of additional Consular officers is under consideration; but it has not yet been finally decided whether Khartoum and Suakim are the places at which it would be most desirable that they should be posted.

#### TUNIS—ALLEGED CONFISCATION OF GROUND BELONGING TO THE ENGLISH CHURCH.

THE EARL OF BECTIVE asked the Under Secretary of State for Foreign Affairs, If he is aware that the portion of land adjoining the garden surrounding the English church at Tunis, which has been used as a lawn tennis ground pending the collection of funds for the erection of a parsonage house thereon, includes not only the land allotted to the British residents with the Bey's sanction, but also a portion of the land conveyed in perpetuity to the British Colony by a legal agreement entered into between the Bey and the Bishop of Gibraltar; if he is aware that, in reply to a protest made to M. Roustan by Her Majesty's agent, the former stated that he could only defer occupation of the land aforesaid for a fortnight, as M. Shemmama intended to commence building at once; and, if Her Majesty's Government will instruct Her Majesty's agent at Tunis to take immediate steps to prevent the interests of the legal owners being in any way prejudiced by M. Shemmama's action, and to protest against M. Roustan's

intended confiscation of the land aforesaid?

SIR CHARLES W. DILKE: Sir, I have nothing to add to the answer which I gave to the noble Lord's Question last week. If any land has been transferred to a French protected subject to which the British residents have a claim, they should represent the matter to the British Agent and Consul General, and take proceedings to maintain their claim in the Courts usual in such cases.

THE EARL OF BECTIVE: Has the hon. Member communicated with Her Majesty's Agent?

SIR CHARLES W. DILKE: No, Sir; we have the fullest confidence in his taking the necessary steps in the cases brought before him. He has the fullest instructions to take action in cases of this kind.

TELEGRAPH ACTS, 1863, 1868, AND 1878  
—TELEGRAPH WIRES OVER PUBLIC  
THOROUGHFARES.

MR. W. H. SMITH asked the First Lord of the Treasury, with reference to the responsibility of the local authorities of the Metropolis for any mischief which might result from the fracture of telegraph wires, he will state whether these wires are not vested in the Postmaster General by Statute; and, if he will also state under what Statute local authorities have a right of interference, or the power to call on the Postmaster General to remove any wires they may consider dangerous to the public safety?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, the Question had already been answered in the House. The matter was regulated by three Acts of 1863, 1868, and 1878. The first of these measures gave power to the Telegraph Companies to make such erections, with the consent of the local authorities; and the Act of 1868 transferred the powers vested in the Telegraph Companies to the Post Office. By the Act of 1878, if any question arose between the Postmaster General and the local authorities with respect to these matters it was to be settled by the arbitration of a magistrate. The local authority was thus *prima facie* intrusted with the safety of the public; it was their duty to see that the public were not exposed to danger in the streets that were vested in them.

*The Earl of Bective*

SOUTH AFRICA—THE TRANSVAAL—  
THE RAILWAY LOAN.

BARON HENRY DE WORMS asked the First Lord of the Treasury, Whether Sir T. Shepstone issued a proclamation on behalf of Her Majesty's Government on the 12th of April 1877, which contained the following words:—

"All *bonâ fide* concessions and contracts with governments, companies, or individuals by which the State is now bound, will be honourably maintained and respected, and the payment of the debts of the State must be provided for;"

whether the fact that Her Majesty's Government propose to place the Transvaal under the suzerainty of Her Majesty is held to free this Country from the obligation of fulfilling the above promise; whether he is aware that the Railway material purchased by the Transvaal Government in 1876 for a sum of £71,813, which was the security for the payment of the principal and interest of the Railway Loan, has been sold by the authority of Her Majesty's Government for a sum greatly below its value, having afterwards been resold at a large profit; and, what steps Her Majesty's Government propose to take for compensating the bondholders for the loss they have thereby sustained?

MR. GLADSTONE: Sir, the Question of the hon. Member appears to indicate an impression that the words used by Sir Theophilus Shepstone, which are correctly quoted, were intended to convey an engagement on the part of the British Government with respect to the Consolidated Fund; if there be such an impression, I believe it would be an entire misapprehension. The engagement given by Sir Theophilus Shepstone was given entirely on behalf of the Colonial Government, which had replaced the Government of the South African Republic as it was called. The question as to the sale of certain rails I can answer only as a matter of information, and not as in any way clashing with what I have just stated. I learn that the rails in question were sold for the best price that could be had for them, and they were sold in consequence of their being held under a lien to a creditor of the Company, who had the power to take them. Of course, it has been the duty of Her Majesty's Government to look to this matter in the communications now going on.

The Convention for the settlement of the Transvaal, which will probably be signed in a very short time by the Boer Leaders, but which will have to be submitted for ratification to the Volksraad, will contain provisions under which, as I understand, it will be declared that the loan is a first charge on the revenues of the Transvaal State.

COMMERCIAL TREATY WITH FRANCE  
(NEGOTIATIONS).

LORD JOHN MANNERS asked the First Lord of the Treasury, Whether it is true that the French Government have announced their intention to adhere to the system of specific Duties as the basis for negotiating a Commercial Treaty with this Country; and, if so, whether Majesty's Government propose to accept that basis?

MR. GLADSTONE: Sir, I understand the French Government have repeatedly stated that they insist on the principle of specific duties. This principle in itself does not meet *in limine* as a principle with objection from the British Government; because it is conceivable that in many cases specific duties may be levied so as to represent and correspond very fairly to the value; but I am bound to add that in these cases those who represent the British Government are under the impression that if specific duties be thus broadly insisted upon, they will raise most formidable difficulties in the way of a settlement, which our negotiators do not at present see their way to surmount.

COMMISSIONERS OF WOODS AND  
FORESTS—WINDSOR PARKS AND  
WOODS.

MR. ARTHUR O'CONNOR asked the First Lord of the Treasury, Whether he will cause to be laid upon the Table of the House a detailed statement showing how the amounts of £5,017 and £25,734, stated in the Abstract of Accounts of the Commissioners of Woods and Forests to have been received and expended during the year ended 31st March 1881 for Windsor Parks and Woods, are made up?

MR. GLADSTONE, in reply, said, he believed the citation of figures by the hon. Member was a correct citation from the accounts of the Crown estates; but they referred to the year ending 31st

March, 1880. The whole details he would find at pages 129 and 128 of the Report of the Commissioners of Woods for the year 1880.

LAND LAW (IRELAND) BILL—THE  
COURT OF COMMISSIONERS.

SIR STAFFORD NORTHCOTE: Sir, we understood the other day from the Prime Minister that he would to-day be able to make a statement as to Clauses 31 and 34 in the Irish Land Bill, relating to the constitution of the proposed Land Court. I want to know if he is now in a position to give that information?

MR. GLADSTONE: Sir, I am not in a position to state with completeness the particulars in which we propose to modify the clauses with respect to the Court; but, of course, there is one point on which I can state distinctly the intentions of the Government in explanation of what I have previously said. I used a general expression that it would be in the power of the parties to pass through the Civil Bill Court to the Commission; our meaning is that it will be in the power of either of the parties to do so. With respect to the clauses, what we should propose is this—It may probably be found a convenient course that when we come to any clause that embraces points that will be modified by us, we should postpone those clauses, and finish the legislative clauses, for we have yet remaining some important legislative clauses. We shall find it convenient to postpone the clauses that require to be modified in relation to the constitution of the Court; and particularly it will be necessary to postpone, undoubtedly and unconditionally, the clause in which the Members of the Commission will be named.

LAND LAW (IRELAND) BILL—MR.  
PARNELL.—EXPLANATION.

MR. LONG said, he had to ask the indulgence of the House while he made a personal explanation. He very much regretted, especially after the interruption they had already had to the Land Bill that day, to interpose between that Bill and the House. But he should not detain the House for more than a few minutes, and he was quite sure the House would extend to him the kind indulgence which it always did extend

to Members who desired to make explanations about anything said in a previous debate. Perhaps he might remind the House that on the 16th of June, in the course of Committee on the Irish Land Bill, he made a statement with regard to the management of his estates by the hon. Member for the City of Cork (Mr. Parnell). In taking this somewhat unusual course, he had been animated by the feeling that it was right first of all to vindicate himself in the eyes of the House for the statement which he had made; and, secondly, he desired particularly that the House should thoroughly understand the information upon which he made those statements. In that statement which he made to the House there were two errors. One of them was an error which he committed at the time from accident, and it was an error of which the hon. Member for the City of Cork took full advantage. When he (Mr. Long) told the House that he quoted the county in which the property was as Wicklow, instead of Carlow, he thought the House would agree that the mistake was not of great importance, seeing that the two counties were only divided by a small river, and that the property and residence of the hon. Member for the City of Cork and the property and residence of his (Mr. Long's) own relations—the two people concerned in the question—were in Wicklow and Carlow both. He stated also that the rents on this estate had been raised to an average of 70 per cent over Griffith's valuation. That he had not an opportunity of proving at the moment; but he now held in his hand a copy of the Landed Estates Court rental, and a full copy of the rents showing that previous to the sale in 1873 the rents were fixed at 75 per cent above the Government valuation, and also showing that the average he quoted was the correct one. He next came to the more important error which was made in the statement which he had the honour to make to the House, and that was not an error made through any fault of his own; but was contained in other information which was given to him of a very accurate nature. He said that his property was solely the property of the hon. Member for the City of Cork, and the hon. Member for the City of Cork met that statement with a deliberate denial, and he confessed that that denial

*Mr. Long*

startled him considerably. After investigating the matter, though he thought he did investigate it before, but after going again fully into it, he found that the property in question belonged to the younger brother of the hon. Member for the City of Cork. The facts were very brief—

Mr. PARNELL said he rose to Order. The hon. Member commenced by saying he was going to make a personal explanation, and he now announced that he had discovered that the property in question belonged to his (Mr. Parnell's) younger brother. He submitted that if the hon. Member had any accusation to make against his (Mr. Parnell's) younger brother with regard to the management of his property, the hon. Member was not entitled to do so under cover of a personal explanation. The proper course, he submitted, for the hon. Member to take in such circumstances—his brother not being absent from, but not even a Member of, that House—would be to give Notice of his intention in order that the person accused might, if he so desired, put his version of the case before the House.

Mr. SPEAKER: The hon. Member for the City of Cork seems to have assumed that the hon. Member who is in possession of the House is about to make some attack on his younger brother. I have no reason to suppose that that is so; and, at all events, until such attack is made, it will not be for me to interfere.

Mr. FINIGAN rose, amid loud cries of "Order!"

Mr. SPEAKER: If the hon. Member for Ennis rises to Order, the House no doubt will hear him; but he is not entitled to interrupt the hon. Member who is in possession of the House.

Mr. LONG, resuming, said, he would set at rest the suspicions of the hon. Member for the City of Cork. He had no intention of calling in question the manner in which the younger brother of the hon. Member managed his property, and had only alluded to him in order to express, in as strong terms as possible, the regret he felt that the information furnished to him should have induced him to say anything which was not absolutely correct, or to have mentioned the name of the hon. Member for the City of Cork, when he ought to have mentioned that of his brother. The mis-

take of his (Mr. Long's) informant had arisen from the fact that when the property was re-valued the elder accompanied the younger brother in his visit to the tenants when the increased rent was demanded, and the neighbours not unnaturally concluded that the elder brother was the owner of the estate. In reference to the statement of the hon. Member for the City of Cork that he had never sold any landed property in the counties of Wicklow or Carlow, he would venture to read to the House the following letter, a copy of which had been supplied to him:—

"Avondale, Rathdrum, September 16, 1874.

"Dear Sir,—If Mr. Dick is desirous of purchasing lots 29 and 30 (Ballinagilty and Blin-dennis) of my brother's estate in Carlow, of which I have been declared the purchaser, I should be glad to learn what price he is prepared to give for these lots before I conclude negotiations for the sale of them to another party.

"I am, dear Sir, yours faithfully,

"CHARLES S. PARNELL."

His (Mr. Long's) relative declined to buy these two lots, which, as he understood, were now the property of Major Newton; and probably the hon. Member for the City of Cork would like to say whether that gentleman bought the property or had it presented to him. He apologized to the House and to the hon. Member for having been led into any error, however slight, and he was willing to submit the information upon which he had furnished his statement to any Member of the House who might desire to see it.

MR. PARNELL said, he thought the hon. Member had attempted to make an attack upon his younger brother with reference to the management of his property. It was no part of his business to defend his brother's management of his property. If the hon. Member repeated the charge, and vouched again for its correctness, that the rents of the property belonging to his younger brother were raised 70 per cent, he submitted it was, so far as it went, an attack upon his younger brother. Let him explain to the House that the two lots of land referred to in the letter read by the hon. Member belonged to himself, so nominally that he had forgotten about the circumstances, for they only nominally belonged to him for a few weeks. At the sale in 1878, the solicitor acting

for his brother asked him to bid for the two lots. He did bid for the two lots, and they were knocked down to him. His brother asked him to write the letter referred to and to transfer the property to this gentleman, who, he believed, subsequently became owner. His (Mr. Parnell's) ownership was entirely nominal, and only lasted a few weeks. He had no concern whatever with the management, and he thought the hon. Member might have mentioned that the lots in question were not connected with any charge of rent raising. He repeated what he said before, that he never sold any property in Wicklow with the exception of these two lots of which he became nominal owner under the circumstances he had stated. He did not wish to put himself forward as a good landlord, for poor Irish landlords were not usually the best landlords, and he did not happen to be a rich man; but he had never raised the rent of a tenant 70 or any other per cent.

### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [TWENTY-FOURTH NIGHT.]

[Progress 8th July.]

Bill considered in Committee.

(In the Committee.)

### PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND, AND EMIGRATION.

#### *Acquisition of Land by Tenants.*

#### Clause 25 (Reclamation of land).

#### Amendment proposed,

In page 17, line 15, to leave out the words "the Treasury may authorise the Board of Works to," in order to insert the words "the Land Commission may, with the concurrence of the Treasury,"—(Mr. Charles Russell.)  
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. PARNELL said, he would appeal to the Government to re-consider the decision they had arrived at. The

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clause proposed that the Board of Works should advance the money from the Treasury for the purposes of reclamation or improvement of waste or uncultivated land and other works of agricultural improvement. The Amendment proposed to substitute the Land Commission for the Board of Works. He submitted that the Board of Works, a Board which stood condemned for incapability and mismanagement, was not a proper institution for carrying out important works of this character. It must necessarily follow that questions, grave and weighty, would arise from time to time in the working of the whole Bill with regard to the desirability of allowing Companies to purchase tracts of land in certain districts; and it was absurd to suppose that a body like the Board of Works could be trusted in regard to the decision of those questions of policy. But he might be told that it was not the Board of Works that would have to decide questions of policy, but that such questions would be decided by the Treasury. He did not think, however, that the Treasury was a proper body to decide questions of this character. What had been one of the chief grounds for believing that no Bill containing the "three F's," or no Bill establishing a peasant proprietary, would remove one of the chief evils of the Land Question in Ireland? It had been because there existed in the West of Ireland—in three or four of the Western counties, and in a few other counties—crowded districts where the tenants were settled in such numbers on poor and small holdings that it was utterly impossible for them to make a decent subsistence and to pay any rent at all. That fact had been vouched for by everybody who had studied the Land Question on the spot. They had the evidence of both of the Royal Commissions on this point. They had the evidence of Major Robertson and Professor Baldwin, the two Assistant Commissioners, who were appointed for the purpose of inquiring into the state of the poorer and smaller tenancies of Ireland, and more especially in those districts in which they had been told no measure could satisfactorily settle the Irish Land Question which did not in some way make provision for those small holders. After the Famine and at other times lands in many of the Irish counties were cleared of their popu-

*Mr. Parnell*

lation, and the people who had been cleared from the richer land sought refuge upon the poorer and more barren portions of the country. They had reclaimed the bogs and brought in the hill side, and they had been allowed to stay upon their little holdings, because at the time of their settlement the land on which they located themselves was absolutely worth nothing. They had made that land worth something, and since then the landlords had placed a rent upon the holdings such as the people were not able to bear, partly by reason of the excessive nature of the rent. Professor Baldwin and everybody else—he believed that hon. Members on both sides of the House had pointed out that something must be done for these small tenants, that they could not live where they were, and that it was absolutely necessary to give them some opportunity of settling down on holdings of a larger area than they at present occupied. There were in Ireland 360,000 holdings of a value of less than £8 per annum, and, he believed, something like from 200,000 to 250,000 which were valued at less than £4 per annum. Hence it followed that much of the misery which had been the chief cause of periodical famines and periods of scarcity in Ireland was owing to the fact that large numbers of the people were crowded upon small holdings which were absolutely insufficient to afford a living to such poor families. There were, undoubtedly, contrary opinions as to the best way in which this evil could be remedied. Some advocated emigration, and others advocated migration. He did not wish to go at any length into the question of emigration, because it was connected with a separate and distinct clause of the Bill. However, it came incidentally into this clause, because the clause seemed to have been pitchforked into the Bill for the purpose of providing an alternative scheme to that of emigration. In other words, the Government seemed to have relied on the Bill for the purpose of trying what could be done in the way of migrating families from the poorer districts to better holdings. But if they started by giving this duty to the Board of Works they would deprive the clause at the very outset of all possible chance of success. He did not wish at the present moment to enter into any discussion

or to make any observations in regard to the nature of the clause itself, but rather to draw attention to the fact that it was proposed to hand over this power to private Companies instead of establishing a public body to undertake these beneficial operations of improvement. That, however, was a matter which would come on for discussion upon later Amendments which were lower down on the Paper. But he would say that no matter what the case was, the object was generally to improve land in Ireland which was capable of improvement, and to give employment and the means of living, perhaps by excessive labour, to the smaller tenant farmers living on the land he had described. The Board of Works was an institution which was already exceedingly overworked. It had, it was true, at its disposal a staff of engineers, and it had been said that they could not give the working of this clause to the Land Commission because the Land Commission had no staff of engineers at its disposal. He agreed to the highest and fullest extent that it was desirable that the Commission, if it was to undertake the duty of carrying out the clause, should have skilled and scientific help at its disposal; but what was to hinder the Committee from inserting power in the clause, or bringing in a new clause to give the Land Commission power to avail itself of the services of the engineering staff of the Board of Works, or of the department generally of the Board of Works, for the purpose of carrying out the engineering and mechanical works that might devolve on them in giving full effect to the clause? He submitted that if the Board of Works was to be brought in it must not be brought in as a prime mover—that questions of policy, questions of setting the machinery in motion, and what persons should be entitled to be brought under the provisions of the clause, were not questions to be decided by the Board of Works in the first instance, but should be decided by the Land Commission in the first instance, subject to the approval of the Treasury itself. By all means let the Board of Works be used as an instrument, as it was an engineering body, and had a skilled staff of experts at its disposal. Let it by all means be used for the purpose of carrying out the details which might require its aid; but do not let the

Board of Works be introduced into the Bill as an *imperio in imperium*, because if they did that they would upset the whole principle of the Bill, which proposed that there should be a ruling authority in Ireland to decide questions of importance in regard to the land. He contended that they could not separate the clause from the rest of the Bill. If the clause was to be used at all, questions would come up as to the way in which they were to deal with the smaller tenants in the West of Ireland, and it was impossible that the Board of Works could have sufficient weight and knowledge to enable them to deal with such questions. He therefore trusted that Her Majesty's Government would reconsider their decision, and that they would substitute for the Board of Works some such body as the Land Commission, which was alone capable of directing the future policy of the country upon these matters.

MR. P. MARTIN remarked, that this was one of the most important questions involved in the Bill. He entertained a hope that the reclamation of waste land in Ireland would be able to provide considerable employment throughout the country, and by that means afford a prospect of remedying, to a considerable extent, the prevailing distress. Under these circumstances, he thought it right to address a few words to the Committee with respect to the machinery proposed by the Bill. It appeared to him that they would entirely nullify and destroy all chance of the clause being made effective, and of insuring that the reclamation of waste lands should take place in Ireland if they intrusted the matter to the Board of Works. How had the Board of Works up to the present time administered the functions intrusted to them in Ireland? He did not wish to make any personal attack upon the members of the Board which was foreign to the administration of the Board, and he was content to take things as they were. As the Prime Minister had been pleased to observe, the Board of Works was really under the control of the Treasury. At any rate, they had been under the control of the Treasury up to the present time, and he did not care to inquire whether the faults connected with their administration rested with the Board of Works itself or with the Treasury. He would, however, remind the Committee



that at the present moment there had been two Departmental Committees appointed to inquire into the control of the Board of Works, one of which was presided over by Lord Lansdowne, and the other by the hon. Member for Galway (Mr. Mitchell Henry) and the late Member for the County of Carlow (Mr. Kavanagh), both of which reported adversely to the administration of the Board, and both were of opinion that it was not desirable to intrust the work of reclamation to the Board of Works at all. Therefore, they had the Board of Works arraigned and condemned so far as being intrusted with the reclamation of land was concerned. The Report of the last Committee had been before the House since 1878, and right hon. Members who now sat on the Front Opposition Bench had promised, from time to time, ever since that Report was presented, that the whole of the administration of the Board of Works should be re-organized, and that there should be a new constitution of that Department. But, like most Parliamentary promises, although these two Reports had stood on record since 1878, nothing in the world had been done, and, having had nothing in the world done, they were now about to hand this most important matter of the reclamation of the waste lands of Ireland over again to the control of the Board of Works. Even supposing that the Board of Works up to the present time had worked effectively, and had not stood condemned by these two Departmental Committees, he should say, having regard to the structure of the present Bill, that the Board of Works was the worst body they could possibly intrust with the work of reclamation. Under a previous part of the Bill which had been already assented to by the Committee power had been given to authorize large purchases of property by the Land Commission. It would be necessary, in the purchase of these properties, that the Land Commission should buy a quantity of uncultivated and waste land, and it might experience some difficulty in disposing of it to the tenants of adjoining property unless they executed some works of drainage or reclamation upon such land. Under these circumstances, why should they have such a cumbrous system as that which was proposed to be established by the Bill?—namely, one Board purchasing

*Mr. P. Martin*

land that must necessarily be reclaimed, and another Board dealing with the matter of reclamation and the question of drainage. He would ask the attention of Her Majesty's Government, without entering into any controversy at all as to the past demerits of the Board of Works, to the question whether these powers and functions ought not necessarily to be intrusted to the Land Commission? What were the Land Commission to do with large uncultivated tracts of land when they purchased property in the West of Ireland? Was it not the first part of their business that they should have the means of reclaiming and putting it in order for the benefit of the country? What was even more necessary would be found in an Amendment a little later on, which was intended to be proposed by the hon. and learned Member for Dundalk (Mr. C. Russell), who knew very well what would probably be the mode in which the matter would be dealt with—namely, by the reclamation being carried out by the tenants themselves. Everyone who had studied the evidence given before the Bessborough Commission would be aware that no small portion of that evidence dealt with the question of reclamation, and it was abundantly pointed out that the reclamation of land could alone be made beneficial by the tenants of the property—that the small tenants and men of that class were alone the men who could execute the work. Every single witness, landlord as well as tenant, had actually declared that the reclamation of waste lands by private Companies was a perfect chimera, and one which it was utterly absurd and impossible to give effect to. Under these circumstances, he would ask Her Majesty's Government, before they finally proceeded to vote upon the clause, to consider whether the duty of authorizing and superintending advances could not be transferred from the Land Commission to a body which, without entering into its merits or demerits, had mismanaged and destroyed all the beneficial operation of the "Bright Clauses" of the Land Act of 1870.

LORD RANDOLPH CHURCHILL said, he firmly believed that Her Majesty's Government, in putting this clause into the Bill, intended that it should be a beneficial clause, and were thoroughly genuine and honest in that intention.

His faith, however, had been very rudely shaken in the Board of Works. If he wanted to tell the Committee all the opinions that he had formed about the Board of Works in Ireland, he should not know where to begin. Outside the circle of Dublin Castle there was not a single man, woman, or child who had the slightest confidence in the Board of Works. That was the opinion of almost every Irishman of every class and shade. To give the Committee an idea of the mode in which the Board of Works conducted its business—he could give lots of ideas, but he would only state one fact. He believed that the Board of Works had had to advance money upon two-thirds of the property in Ireland. He did not think that that was at all an exaggeration. But would it be believed that the Board of Works had never yet kept a record of titles? He knew a case in which a landlord had had 10 loans in 1870, and 10 times did the Board of Works desire his title to be investigated. Was a Department which carried on its business in that way a fit Department to intrust with these new and important duties? The Irish Government had no control whatever over the Irish Board of Works. The Irish Government might be extremely anxious to carry out a particular policy in relation to the land of Ireland; but they found themselves thwarted over and over again by the Board of Works, under the control of the Treasury and Sir Ralph Lingens. He wished to point out that the Board of Works had been twice investigated, and twice condemned. The Government had constantly expressed their intention of reforming the Board of Works; and if it was to be reformed at all, it would be better to reform it before they gave it these new and important duties. It was certainly idle, while they declared that it was unfit to discharge the duties already devolving upon it, to intrust to the Board of Works new and important duties, and then reformat it in another year. It was acknowledged by all parties in Ireland that the First Commissioner of Works was not able to perform his present duties satisfactorily, and that he ought to be superannuated. At the time of the recent distress the country ran the danger of famine, because Colonel M'Kerlie, not from any fault of his own, was quite unequal to the work which fell upon him. So far as the Land Commission

was concerned, it was to be a pre-eminently judicial body; and he doubted very much whether a body intended to be pre-eminently judicial ought to be intrusted with functions of this nature. Nothing, however, was more calculated to reduce the clause to a nullity than the course taken by Her Majesty's Government with regard to the Board of Works.

MR. GLADSTONE: I have endeavoured to gather, as far as I can, the feeling of the Committee; and I own, with great regret, that I see a disposition to support this Amendment, because it is a matter upon which the Government cannot change their ground, and I will give the Committee absolute reasons why the Government cannot do so. The hon. Gentleman the Member for the City of Cork (Mr. Parnell) has made a most ingenuous speech upon the subject. He fairly alleges that the misdeeds of the Board of Works are misdeeds of the Treasury, and he says that the Treasury are totally unfit to manage this matter—that is to say, that the Treasury are totally unfit to control the expenditure of public money.

MR. PARNELL: No.

MR. GLADSTONE: But that is the whole question. Some other body is to be appointed to do it.

MR. PARNELL: I did not say that.

MR. GLADSTONE: If I have misquoted the hon. Gentleman, perhaps he will explain?

MR. PARNELL: I did not mean that the Treasury should not control the amount of money to be authorized. What I said was that the Commission should have the conduct of the policy of recommending the Treasury to advance the money, and not the Board of Works. I do not wish to take the matter ultimately out of the hands of the Treasury.

MR. GLADSTONE: The hon. Gentleman, from time to time, is one of the most ingenuous men I know. Every now and then comes from the lips of the hon. Gentleman some of the most ingenuous declarations; and the hon. Gentleman in this instance did fairly let fly at the Treasury, and I think justly, because it is on the Treasury that the sins of the Board of Works ought to be charged. There is no mistake about that. The hon. Gentleman now seems to think that he is completely master of

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all the machinery of government, and that he understands it from its inception upwards. That, however, is not the fact, and he must be content to take the assurance of some of those who know what the working of the machinery is. If the Treasury is bad, it is your duty to improve the constitution of the Treasury; but if you are merely to take over the functions of controlling the Public Expenditure, then this House would lose its security and its usual means of checking the expenditure of public money. What is the declaration of the noble Lord the Member for Woodstock (Lord Randolph Churchill). He says that the Irish Government ought to be intrusted with the making of these advances.

**LORD RANDOLPH CHURCHILL:** I added, with the concurrence of the Treasury, in the words of the Amendment.

**MR. GLADSTONE:** I understood the noble Lord to say that the duty was to be discharged by the Irish Government alone.

**LORD RANDOLPH CHURCHILL:** Concurrently with the Treasury.

**MR. GLADSTONE:** But what is the use, if the Treasury are to have no means of forming a judgment upon the merits of the case? We should then have to make a Board of Works in the Treasury; we should have to equip the Treasury with a set of engineers who should survey and overlook the Board of Works. The Commissioners would suggest the policy, and the Treasury would be the judges of the amount of money required. But how are you to separate the policy and the amount of money? If the Treasury say that they would not allow more than one-half of the sum you ask, what becomes of the policy and judgment of the Commission? And if the Commission are to fix the amount, then what becomes of the control of the Treasury and of this House? The Board of Works is nothing but the arm of the Treasury, and if you regard the Treasury as unfit for its duty, it is exactly like saying that the Foreign Office is not fit to settle a foreign question; and, therefore, you will take such questions out of the hands of the Foreign Office and place them in the hands of the Home Secretary. If the organization of a particular Department is bad, amend it; but do not suppose that you can improve the administration of Public Offices by throw-

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ing them into chaos. The hon. Member for the City of Cork (Mr. Parnell) says it is quite unnecessary, and that it is a principle of this Bill that all matters relating to the management of land in Ireland should be under one Public Department. The hon. Gentleman must excuse me if I say that he is entirely wrong. He seems to forget that this clause is nothing in the world except the extension of very large statutory powers now in existence; powers so large that when I look at them I seem hardly to know how they are capable of being still further widened. Yet all of those powers are powers exercised under the control of the Treasury by the Board of Works. Then, what do we come to next? That a public authority in Ireland has been inquired into and condemned. And the noble Lord comes down upon us with his own incomparable knowledge of the state of Ireland, and declares that there is not a man in Ireland outside Dublin Castle who has any confidence in the Board of Works. He says, further, and this is a most important part of the case, that the Board of Works has been condemned by two Executive bodies who have inquired into it. The Board of Works has, I believe, been censured in a former inquiry specially in reference to the execution of works made by the Board on the responsibility of the Government. But that has nothing to do with what this clause proposes, because, under this clause, the Board can do nothing of the kind; and, therefore, that condemnation is of no effect whatever, so far as the present case is concerned. The Board of Works, under this clause, is to advance money to the parties who are willing and desirous to do these things, and that is just the function in which they have been engaged for the last 30 years. And now let us see what Irishmen, whether in or out of Dublin Castle, think of it in that capacity, because here is a Report, signed as lately as the 20th June, 1878, by Lord Crichton. [**LORD RANDOLPH CHURCHILL:** A Government official.] Lord Crichton was a Government official, and that, of course, entirely deprives him of any weight, or of the confidence of the noble Lord. Still, the noble Lord surely requires to know why it was that this Government official—this guilty man—gave his opinion in this particular sense, for it was just as open to him to have given it in

any other sense, had he so chosen. But it is not only with Government officials that we have to deal. Here is another Gentleman, Mr. Arthur Kavanagh, I believe he is an Irishman, and I rather think he is a person of some authority. I never heard that he resided in Dublin Castle. Then there is Mr. Mitchell Henry—is he tainted with the poison derived from Dublin Castle? There is also Mr. Fremantle, Master of the Mint—a most able man—not a man of our political Association, but an able, a very able, and distinguished public servant. Lastly, there is Mr. Herbert Murray. I am not quite certain that I can except him altogether from the taint of Dublin Castle; but, at any rate, I believe he is one of those who have been there. What do these fine gentlemen say when they are describing acts for purposes precisely analogous to those which are embraced in the present clause—namely, the business of advancing money to parties desirous of executing agricultural improvements? And in their official Report they say—

“The success of these acts is unquestionable. No legislative measures for Ireland have ever been more freely taken advantage of, and from no measures has the country probably derived greater benefit. They have been the means of securing, within the last 30 years, a capital expenditure of £3,000,000 in agricultural improvements, and of enhancing the value of landed property without involving any loss to the Exchequer. The successful working of these Acts must, in a great measure, be attributed to the Commissioners of Public Works. The administration of them has been liberal and judicious, and we think that it reflects much credit upon the Board.”

I think, after this, we shall have no more condemnation of the Board of Works; but I have heard one or two speeches to-night which make me think that what is really in view is to get rid of this principle of control altogether, and to substitute for it a principle of expenditure by the Government. [Mr. BIGGAR: Not at all.] I did not refer to anything said by the hon. Member for Cavan; but I have heard one or two speeches which have led me to surmise that that is so. We shall not agree to set the Government in motion for a purpose for which, in our opinion, it is quite unfitted. That would be a very great mistake. We shall endeavour to occupy a position in which the public funds may be made available, by way of judicious advance, for the purposes of this

Bill, but only after the matter has been tested and ascertained by a Body armed with a competent staff of experienced agents, and fortified for the purpose of its duties by a long experience. But, instead of that, the proposition on the other side is that, while we are charging the Land Commission with the enormous duty—first of all, of the judicial administration of the law between landlord and tenant; secondly, with this most complex and difficult operation of the purchase and re-purchase of property; and, thirdly, with the superintendence of any measure that may be adopted with regard to emigration, it is also proposed that they shall charge themselves with the work of making advances to landlords and tenants. I say “tenants,” because that is a matter which has been pressed upon the Government, and, so far as it is in their power, the Government will be glad to accede to such a proposal. But we cannot consent to put this duty upon the Commission; for, if we did, the consequence must be that the Commission, appointed for purposes wholly different, laden with charges and responsibilities of quite another character, and having no instrument suited for such a purpose as this, must immediately create another Public Establishment by the side of the Board of Works to overlook and superintend all these arrangements, notwithstanding the fact that the Board of Works has already a number of officers engaged in precisely similar work—for you do not propose to dispossess them of the work which they are now doing under the existing Act of Parliament. It is quite impossible for the Government to listen to a proposal of that kind. We should be very glad to listen to any reasonable proposal; but I think the Committee will not be surprised at the resolution which I have announced. I hope that hon. Gentlemen who are now in the House heard the speech of my right hon. Friend the Member for North Devon (Sir Stafford Northcote), who bore testimony on this point, as I have no doubt the right hon. Member for Westminster, who sits next him, would also do. [Mr. W. H. SMITH: Certainly.] It is very difficult to get over the force of testimony thus rendered by Gentlemen who found their opinions and knowledge upon experience long gained in the Public Service. Therefore, I must adhere, and adhere firmly, on the part of

the Government, to the clause as it stands, so far as this part of it is concerned.

MR. HEALY said, he thought that, although the Prime Minister had in some degree stated his points very fairly, the right hon. Gentleman would have done well if he had promised some inquiry into the character of the Board of Works. The Prime Minister had said that, no doubt, the ex-Chancellor of the Exchequer could give them some important information. He (Mr. Healy) hoped the right hon. Gentleman would get up and do so, especially as he had been over to Ireland, in 1879 or 1880, in company with the then Secretary to the Treasury (Sir Henry Selwin-Ibbetson), about this very Board of Works. It was a misfortune for Ireland that the late Conservative Government went out of Office when they did, because they were pledged to deal with the Board of Works, and had promised that an officer should be appointed specially responsible to Parliament to represent the Board of Works in this House, and that officer would, he believed, have been Lord Crichton. The condition of affairs was so bad, that the right hon. Member for North Devon and the then Secretary to the Treasury went over specially to make a Report. The present Prime Minister now said that the Government were unable to take this matter out of the hands of the Board of Works; but would he promise that some inquiry should be made as to the way in which the Board of Works was managed? In the course of a debate which took place in 1879, the hon. Member for Galway (Mr. Mitchell Henry) gave the character of Colonel M'Kerlie, the Chairman of the Board, showing that the Board had kept no minutes for nearly 14 years, that there were no minute-books in existence, that Colonel M'Kerlie was one of those men who ought not to be at the head of any Department, that he insisted on the smallest letter on the most trivial business passing through his hands, that he insisted on doing everything himself, and that he did not possess that power which was so essential to public men—of making use of other people. The Prime Minister, in his remarks to-day, had set great value upon the Report signed by Lord Crichton, Mr. Mitchell Henry, Mr. Fremantle, and other distinguished gen-

tleman; but would not the right hon. Gentleman, when insisting on the importance of one part of that Report, set an equal value upon the remainder? What was it that Sir Henry Selwin-Ibbetson said in his Report in 1879 with regard to Colonel M'Kerlie? Why, that Colonel M'Kerlie was in a position of great difficulty, because the Board which he had to superintend had had so many additional duties placed upon it which rendered it utterly impossible for them to be efficiently carried out. That there were so many complaints was to be attributed mainly to the fact that the Commissioners had been excessively reduced in number, as two of them had been taken away—one of them having died, and the other having been appointed to another office—and the Treasury of the day, on the occasion of a vacancy occurring, refused to allow it to be filled up. The work of the Board had increased so enormously that it was impossible for two Commissioners to do it properly. That was the condition of things in 1879; and what had been done since then? They were promised by the late Tory Government that Lord Crichton should be made officially responsible in this House for the Board of Works; but now the present Government and the present Chief Secretary were allowing the Board of Works to come into this Bill. The fact was, that the Chief Secretary was in a condition almost of blind ignorance as to the existence of these complaints against the Board. The hon. Member for West Essex (Sir Henry Selwin-Ibbetson) had admitted that he was inclined to believe that the Chairman of the Board had been anxious to do everything himself and not to allow assistance. But that was not the sort of man to whose charge should be handed over the working of the Irish Land Bill, so far as establishing a system of peasant proprietary was concerned. He (Mr. Healy) was perfectly ready to agree with every word of the Report read by the Prime Minister when it spoke of the Acts in question, and said—"From no measures has the country probably derived greater benefit." But then it should be remembered how very few Acts of Parliament had been passed which were of any use to Ireland, except the Irish Land Act and the Irish Church Act, and the legislation of quite modern years. And the

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fact was, with regard to the Land Act and those other Acts which the Report referred to, that even Colonel M'Kerlie could not prevent, by any arrangements he might make at the Board of Works, the spending of £3,000,000. He did his very utmost to strangle every application that was sent in, and if £3,000,000 had been spent over a long series of years, Colonel M'Kerlie was not to be thanked for it. What was it that the hon. Member for Cork County (Mr. Shaw) had said in 1879? Why, that he knew in his own county of farmers borrowing money at 6 per cent rather than go to the Board of Works to get it for 4 per cent, on account of the red-tapeism which prevailed there. The hon. Member added that he had done everything in his power to induce these farmers to be more careful of their own interests, but without success. He (Mr. Healy) would say, let them give poor Colonel M'Kerlie a retiring allowance, and let him go about his business. He had done the State some service, but he was an old man now, and it would be well to let the old man go and to put a new one in his place. Under any circumstances, he (Mr. Healy) hoped the Government would have a searching inquiry made into the condition of the Board of Works and into its *personnel*—an inquiry which would be likely to give some satisfaction.

LORD FREDERICK CAVENDISH wished to point out that many of the most important recommendations of the Report that had been referred to had been acted upon. As to the complaint that there were only two Commissioners upon the Board of Works, he wished to remind the Committee that there were now three. With regard to the anything but encouraging references which had been made to the long services of Colonel M'Kerlie, he would ask anyone who had studied the Report of the Public Works Commission, and who knew anything of the great task imposed upon them last year by the measures taken for the relief of distress, to say whether they had not discharged in the most praiseworthy manner the heavy duties imposed upon them?

SIR STAFFORD NORTHCOTE: I was not aware, Sir, that the question of Colonel M'Kerlie's services or the general management of the Board of Works would be brought forward to-day, and I am sorry that my hon. Friend the Mem-

ber for West Essex (Sir Henry Selwin-Ibbetson), who has taken so large a part in dealing with these questions, and who went to Ireland with me, is not now in his place in the House. He would have been able to speak upon the subject much better than I can do. The hon. Member for Wexford (Mr. Healy) has told us that I went over to Ireland in the autumn of 1879 with my hon. Friend with a view to consider what was to be done and how the Board was to be re-organized. That is not quite correct. I was in Dublin, and my hon. Friend went over also. He did not go with me, but he was over at the same time, looking at various Departments, and especially, no doubt, into this question of the Board of Works. I had several conferences with him upon the subject, both with reference to the general conduct of the business of the Board of Works, and especially as to the pressure put upon it, and apprehended at that time, in consequence of the distress. Undoubtedly, we were of opinion that it was our duty to do all that could be done in order to strengthen the Board; and it was found impossible that that special work could be done without some additional assistance. But with regard to the general character of the Board, I think the step taken previously of promoting Mr. Roberts to be Assistant Commissioner, and subsequently Commissioner, was a most important step. No doubt, if more duties are to be thrown on the Board, it is necessary to take care that there is full strength to discharge them. With regard to Colonel M'Kerlie himself, I feel that I must take the opportunity of protesting against the language which has been used with regard to that distinguished public servant. I know he has sometimes attempted to do more than was possible for one man to do, and I know he has sometimes brought himself into disfavour, not unnaturally, with those who are making applications for public money, owing to the great care and caution with which he has guarded the interests of the fund he had to lend. If that is a sin, it is, I think, a sin which is for the benefit of the country, and sinning is more commonly on the other side. No doubt, the Board ought to be continually watched and strengthened, so as to enable it to perform its duties properly; and I am

sure there will be no indisposition on the part of the Treasury to recommend a proper liberality of treatment. As to the object of the Amendment now before the Committee, I must say I think we should be committing a very grave administrative error if we did not make use of the machinery we have—strengthened, it may be—already in use in the Board of Works. They are cognizant of the subject—they have a well-trained staff, and are capable of dealing with it. To attempt to set up two pieces of machinery side by side for the performance of what is practically the same work would be altogether useless and misleading, and, in my opinion, it might lead to serious consequences.

Mr. MITCHELL HENRY said, he thought this was scarcely a good opportunity for discussing the character of the Board of Works—whether it did its work efficiently or not, and whether it required any re-construction. The proposal of the clause was merely to add one other function to the Board of Works in the matter of recommending the Treasury to advance public money, and enabling the Board of Works to investigate the security offered by anyone who attempted reclamation. He had been delighted to hear the Prime Minister say that advances might probably be made, not only to Companies, but to tenantry. That was a most important concession. As to the Board of Works, he thought there could be no question that it did require reform to make it efficient. It had been agreed for a long time by both political Parties that that should be done. He did not agree with the noble Lord (Lord Frederick Cavendish) that the Board was strengthened merely by making an Assistant Commissioner into a Commissioner. It was true that a particular individual was promoted; but then his time was thoroughly taken up in the work before, so that there was no real increase of strength. The fact that there were only two Commissioners before was a distinct violation of the Act of Parliament, and the appointment of a third, when that appointment only amounted to the promotion of a man whose time was already fully occupied in the work, did not improve matters or strengthen the Board in any way. It was not correct that an Assistant Commissioner had been appointed, and there could be no doubt

that the Board was greatly overweighted. In England, the Board of Works was a very agreeable ornamental Department; but in Ireland the Board performed all the great functions of the Government, and all those duties depended upon a very small staff. When the Board was appointed, its duties were, in comparison, hardly anything; but it had never been strengthened, and the result was that the Board had broken down on many occasions. There had never been a greater waste of money than over the measures taken with respect to the relief of the famine. He opposed the policy of the Government before, and he opposed it now; and if there was any credit due to the Board—and he admitted there was credit due for the manner in which they discharged their functions—that credit did not appertain to the head of the Board, but to the other members of the Board, and especially to Mr. Roberts. However, the Board did want looking into and strengthening, and he urged the Prime Minister not to throw fresh duties on the Board until it was strengthened. The announcement that money would be advanced to tenants would mean a great boon to the people, and he trusted the Committee would not continue the discussion on this particular question.

Mr. MARUM said, that he had endeavoured to induce several proprietors of land to join him in undertaking work for repairing certain damage which had been done by a back-water at the confluence of the Nore and the Dinan in Kilkenny, and they all refused because the Board of Works was in bad odour, and they would have nothing to do with it.

Mr. O'SHAUGHNESSY said, he adhered to his opinion that the Board was the proper body to perform the duties which were in the 2nd clause of the Bill, with regard to reclamation. But he must admit that one suggestion which the hon. Member for the City of Cork had made deserved the consideration of the Government and the Committee. He did not think it could be denied that there would be great utility in having a central body, as suggested by the hon. Member, which would take a bird's-eye view of the whole country with regard to agriculture and to reclamation. He should be very sorry to take from the Board of Works the duty of seeing that the security for the money ad-

vanced was satisfactory, and equally sorry to take away from the Treasury the right to decide whether an advance should be made. He also thought the rules laid down in the 2nd sub-section with regard to advances were very wise; but, at the same time, he thought it would be possible to bring the Commission into operation without interfering with the authority of the Treasury or the powers and duties of the Board of Works, and he would suggest that the Commission might with advantage be empowered, in the first instance, to recommend that any scheme of reclamation should be taken up. If the words "on the recommendation of the Treasury" were inserted after the words "Treasury may," that would be as much as the hon. Member for the City of Cork would ask; and the effect of that would merely be that a Company, desiring to start a scheme of reclamation and wanting an advance, should submit their proposals to the Commission, who would then decide whether the advance asked should be recommended or not. That would not interfere with the authority of the Board of Works or with the powers of the Treasury, which he should wish to maintain. This suggestion was strengthened by the fact that money was to be advanced to tenants for reclamation purposes, many of whom would be already in connection with the Commission, and of whose character and solvency and general circumstances the Commissioners would be the best judges. Colonel M'Kerlie had one fault—he attempted to do too much, and whenever he thought it right to spend money, he always advocated it strongly and warmly; and the hon. Member for Kincardineshire, who sat on the Committee for improving Harbours, would remember the firmness with which that gentleman advocated certain improvements.

MR. VILLIERS STUART said, that, as far as his experience went, the Board of Works were not open to the charge of inefficiency, but deserved great credit for the manner in which they acquitted themselves during the crisis of 1870, when a tremendous strain was thrown upon them without any increase of staff. They had to deal with something like 10,000 applications for loans. He had taken out a loan, and at no stage of the transaction had he had any reason to complain of unnecessary delay. It should

be remembered that the Board had an amount of experience and machinery such as was not possessed by any other body in Ireland.

MR. BIGGAR said, he did not know a great deal about the Board of Works; but he knew something about the Ulster Canal, for which for many years the Treasury and the Board of Works had allowed £1,200 a-year. A Committee which inquired into the matter some years ago, recommended that the grant should be discontinued and the land sold for grazing purposes; but the Board of Works and the Treasury insisted on throwing away £1,200 a-year, which might be much better employed in some other way. Then £200,000 had been spent on the Ballynamore and Ballycollin Canal by the Board of Works, and not a single penny had been got out of it. These were two cases of the mismanagement of the Board, and he maintained that the Land Commission was the proper tribunal to deal with land questions. The Commissioners would be well acquainted with all matters connected with land; they would have surveyors and engineers all over the country, and could easily get reports from those officers. The Government had better not give away money wholesale, but should use the machinery they were about to create instead of a body which had been held to be inoperative.

MR. T. D. SULLIVAN asked whether, in view of the additional labour to be thrown on the Board of Works, the Government contemplated any reform or re-constitution of that body?

MR. GLADSTONE: No; our intention is that the Establishment shall remain, but will be made adequate to its duties as occasion may require.

MR. O'DONNELL thought reform was needless, as the whole thing would be swept away in a few years.

Question put.

The Committee *divided*:—Ayes 89; Noes 25: Majority 64.—(Div. List, No. 300.)

MR. GLADSTONE: There are several Amendments on the Paper which, if passed, will have the effect of preventing advances being made to public Companies for the reclamation of waste lands, and restricting them to tenants or occupiers. If hon. Gentlemen will allow these Amendments to remain over for the

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present, I will make a proposal of a more extended nature in a new section to be introduced after sub-section 1, when we reach that point.

MR. BIGGAR said, there was a very important Amendment to which the right hon. Gentleman had not referred. It seemed to him preposterous that public Companies should be allowed to borrow money.

THE CHAIRMAN: The only Amendment which seems to be different from that of which the right hon. Gentleman has given Notice is that to which the hon. Member for Cavan alludes, and I do not know whether that is to be proposed. If it is not, then I will call upon Mr. Corbet.

MR. T. P. O'CONNOR (on behalf of Mr. CORBET) proposed, in page 17, line 17, to leave out the word "companies," and insert "tenants or occupiers." The statement, he said, of the Prime Minister tended very much in the direction the hon. Member desired; but he would like to omit the second part of the Amendment, and simply propose to leave out the word "companies."

THE CHAIRMAN: I must point out that if the hon. Gentleman leaves out "companies," without filling in anything, it will form nonsense; and he must be prepared with words to complete the sense.

MR. T. P. O'CONNOR said, he would propose to omit "companies," and insert "persons hereinafter mentioned." The evidence of Professor Baldwin, and everyone else who had spoken on the subject, showed that money lent to capital for reclamation had always ended in disaster, and that the only occasions when money had been spent on reclamation had been when the money had been given to labour. Nothing would open the door to abuse as giving the money to Companies, or more tend to separate, instead of unite, labour and ownership.

Amendment proposed, in page 17, line 17, to leave out the word "companies," in order to insert "persons hereinafter mentioned."—(Mr. T. P. O'Connor.)

Question proposed, "That the word "companies" stand part of the Clause."

MR. GIVAN said, he could not see that any good could be done by continuing the discussion after the statement of the Prime Minister, although he thought this was the proper point at which to consider this question. Under

the circumstances, he would appeal to the hon. Member to withdraw his Amendment.

MR. CHARLES RUSSELL said, it was a difficult thing to say on what terms Companies should be allowed to borrow, and that was not touched by the Amendment; but it was another question whether Companies should or should not be allowed to take up reclamation. The reclamation of land by any body was in itself a public gain; and if Companies chose to enter on the enterprise of reclamation they would in a great many cases effect good. There were several Amendments later on for imposing conditions on Companies as to how they should deal with land, so that they might not be in the position of having reclaimed the land to a great extent with funds provided from the public purse, and be able to then turn the land to their own aggrandizement. He hoped the Amendment would not be pressed.

MR. BIGGAR said, it was all very well to say that good results would follow from reclamation by Companies; but these Companies would be floated in London very much by swindlers, and the result would be thoroughly disastrous to all the persons concerned, and no benefit to the public. It would keep the land from the people who ought to improve it—namely, the *bona fide* occupiers; and the Companies would try to plunder all the parties interested in the land.

MR. JOHN BRIGHT: I am very surprised at the extreme jealousy hon. Gentlemen show with regard to the operation of this clause. The intention of the Government with respect to it is, I believe, exactly what hon. Members of this House would wish it to be. It is said that in Ireland there are millions of acres of land not now cultivated; moderate calculations say that there are at least 2,000,000 of acres. I have undertaken, when speaking on one or two occasions in public, to assume that there was only 1,000,000 acres that might be profitably cultivated. Now, who will cultivate this land? It is obvious that if the present proprietors have not done it up to now, they can hardly be expected to do it in future. Who is to do it? The tenants who surround any large district of uncultivated land might add somewhat to the farms which they hold;

that would come in under the Amendment which the right hon. Gentleman the First Minister has proposed to insert in the clause. But there may be a case where there are 5,000 or 10,000 acres of land that somebody, for a certain sum of money, might obtain possession of. A Company could do it, probably. For my own share, I do not think I should like to invest in it. But if a Company undertook to do it, it would be able to do it with profit. Individuals certainly could not; and the clause provides that the Company must expend one-half the sum before they can come to the Treasury to borrow any portion of it. Suppose there were 10,000 acres, and it would cost £5 an acre. [An hon. MEMBER: More.] An hon. Gentleman says that is not enough. Suppose, then, reclamation would cost £10 an acre. That would be £100,000 to put in proper order that particular district of the country. Then, when one-half of that money had been raised and spent—£50,000—the Company could come to the Treasury and ask for another £50,000. Of course, the £50,000 that had been expended would go far towards making the security good for the £50,000 it was intended to borrow. When the whole was done, the question is—What should be done with it? No one, surely, is of opinion that the Company would keep 10,000 acres of land in Ireland, and cultivate it as a great farm? What the Company would do, as a matter of course, would be to endeavour to sell this great piece of land in farms of such size as would meet the wants of the Irish farmers; and I should suppose that the Treasury, if such a thing was not certain without their interference, would ask, before advancing money—“What do you intend to do with the 10,000 acres of land when the reclamation is complete?” And they would say, as a matter of course—“We intend to divide it into farms varying from 10 to 50 or 100 acres, and to sell it in such a way as would be most profitable to the Company; and when the thing is wound up we shall be paid.” By this means, occupying owners will grow up. Now, that seems to be exactly what hon. Gentlemen opposite have always been clamouring for as regards this question of reclamation. Who is to do it? No private individual would do it. The hon. Member for Cavan (Mr. Biggar) was not likely to do it. Who

will do it, if you have not capital in Ireland? You may have men more generous and more enthusiastic in matters of this kind than in England, and they may undertake to do the work; but it can only be done in some degree by individual tenants, whose farms adjoin the unreclaimed land, and by Companies which may be formed for the purpose. I do not suppose the Board of Works or the Commission would themselves take 10,000 acres, and go through the whole process of reclaiming it. If they did, it would be for the purpose of dividing it into farms, just as a Company would undertake to do. Therefore, it appears to me that hon. Gentlemen from Ireland who object to this are objecting to the very plan by which there is any probability that any considerable portion of waste land in Ireland will be reclaimed. The clause which the Prime Minister proposes to add to this sub-section is this—

“That the Treasury may authorize the Board of Works to make advances for like purposes”

—I suppose like purposes for which Companies would be probably formed—

“to an occupier of land when satisfied that the tenancy or other security which he may have to offer, is such as to secure re-payment of principal and interest within such a number of years as the Treasury may fix, or when the landlord joins the occupier in giving such security.”

I do not think it is possible to add any words to the clause or to do anything more comprehensive, and, at the same time, more simple or likely to be more useful than that which the Government intend. Then, why should we have long discussions, hindering the progress of the measure, upon a matter upon which we are all agreed? I venture to say that hon. Gentlemen opposite might allow the clause to proceed, seeing that the Government is perfectly willing to do everything that can be done rationally, and with any hope of success, for the reclamation of waste land.

MR. PARNELL said, the right hon. Gentlemen had proved their case. He had pointed out that there were two descriptions of waste land which could be reclaimed under the operation of this clause, and of the sub-section which the Prime Minister proposed to add later on; he had pointed out that there was the waste land lying adjacent to the present holdings, which the tenants

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could take in and reclaim under the provisions of the sections; and then the right hon. Gentleman had shown that they had large tracts of land which were not in the occupation of any tenants, and which the adjoining tenants could not readily take up. With regard to the large tracts of land, they objected to the clause not so much because Companies were likely to avail themselves of the power given them in the clause of borrowing money, but simply because they feared that Companies would not so avail themselves. The fact was, they regarded this clause, apart from the section which the right hon. Gentleman had just read, as entirely illusory. It had been proved over and over again that land could not be profitably reclaimed in Ireland by the action of public Companies, and the right hon. Gentleman asked them—"What, then, do you propose?" He proposed that some means should be found for the purpose of allowing the labour of the country, which existed in such abundance, to get upon the land standing in need of that labour; and they believed that in that way, and in that way only, could they make the waste and semi-waste land, which the right hon. Gentleman had estimated at 2,000,000 acres, available for the public benefit. They did not believe, firstly, that the Companies would take advantage, to any great extent, of this clause; and, secondly, they did not believe if the Companies did take advantage of it, that their operation would be beneficial or profitable, or such as was calculated to encourage other Companies to come forward and try the scheme. He had placed an Amendment on the Paper, which he did not see now. He presumed it would stand in the New Clauses. It was an Amendment to leave out Clause 25, and substitute for it the clause he had placed on the Paper. His clause, according to his opinion, suggested a simple way in which the kind of land they proposed to deal with by allowing public Companies to borrow money in respect of its reclamation, might be made available for the benefit of the country. It was true, it might necessitate the establishment of some body for the purpose of looking after the matter. He supposed permission might have been given to the Commission; but it appeared the Commission was not to

have such power. Perhaps it was not too late to give the power to the Board of Works. If they did give the Board the power of purchasing reclaimable land, and of allotting it amongst small tenants or labourers, or surplus labouring population in Ireland, in the manner prescribed by Professor Baldwin, they would be working a very beneficial change as regarded this uncultivated land. A clause authorising the Board of Works to advance money to public Companies must be entirely illusory and fail to satisfy the necessity of the case; in fact, the present clause would be valueless. He regarded the sub-section which the right hon. Gentleman the Chancellor of the Duchy of Lancaster had just read, as the most valuable part of the clause, though its provisions were entirely apart from the end the clause had in view. As to whether the Amendment should be taken to a division, perhaps, under all the circumstances of the case—as the Prime Minister had offered them such a concession—they might refrain from taking a division, and go into the further question which had been raised by the sub-section which the Prime Minister intended to move.

Mr. SHAW said, he hoped they would be able to get rid of this discussion without a division. The Amendment to be proposed by the Prime Minister had entirely altered the value of the clause. Perhaps public Companies might not be willing to undertake the reclamation of land in Ireland; but if the work would not pay public Companies, he did not see how it could pay Government, or any Board of Works, or any other machinery provided for the purpose. It was not certain that Companies would not set about the reclamation of waste land in Ireland. He was in the City the other day, and saw the prospectus of a public Company being floated for the express purpose of reclaiming land in Ireland. He refused to go into the office for fear he might be tempted to embark in the enterprise. One saw so much nonsense now-a-days in the public prints in the shape of public Companies that he was bound to be careful. He, however, did not despair of the reclamation of the waste land in Ireland. They ought to be satisfied with the present discussion, and proceed to the next point.

*Mr. Parnell*

MR. O'DONNELL said, if they had an energetic and prosperous tenantry and small proprietary in Ireland, he did not see why the tenants should not be able to form Companies for the reclamation of waste lands.

SIR EARDLEY WILMOT congratulated the Government on at length taking in hand, in a practical way, this important question. The Prime Minister knew perfectly well that from 1814 to 1847, by a series of Reports of Royal Commissions and of Select Committees, and in various ways, the reclamation of waste land had been strongly urged upon Parliament and upon successive Governments. Lord Devon's Commission reported strongly in favour of reclamation, and Sir Richard Griffith, in letters which he (Sir Eardley Wilmot) held in his hand, urged upon the Government the importance of this subject. He had himself been a party to a Bill with similar objects, which was introduced into Parliament in 1875 by Mr. John George Macarthy, who had devoted much time and labour to the subject of reclamation. That Bill he held in his hand, and it proposed to give temporary aid to the proprietors of lands, and to encourage them to bring the waste land into cultivation. The present Bill proposed to make advances to public Companies for the same purpose; and, though he agreed with the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) that the shareholders in them could not anticipate large dividends from the enterprise, yet on the whole he regarded the clause as one calculated to advance the agricultural and general prosperity of Ireland.

*Amendment negatived.*

MR. GIVAN, in moving, in page 17, line 19, after "land," to insert "agricultural buildings," said, the Amendment was merely a verbal one, and his only object in moving it was that the tenant should not be precluded from getting money from the Board of Works for necessary agricultural buildings.

Amendment proposed, in page 17, line 19, after "land," insert "agricultural buildings."—(Mr. Givan.)

MR. PARNELL said, before this Amendment was put, he would like

permission to insert in line 19, after "waste," "semi-waste." There was a great deal of land in a semi-waste condition, and he hardly considered the words of the clause in this matter sufficiently expressive.

Amendment proposed, in page 17, line 19, after "waste," insert "semi-waste."—(Mr. Parnell.)

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he thought the addition of the words quite unnecessary, because waste was merely a question of degree. The object of the hon. Gentleman was fully accomplished by the use of the word "waste."

MR. A. M. SULLIVAN asked if the Government thought it necessary to put into this clause anything concerning the reclamation of the foreshores?

MR. GLADSTONE said, he would insert the word "foreshores" on Report.

MR. PARNELL asked leave to withdraw his Amendment.

MR. GIVAN said, that before the Amendment was withdrawn he might move that after "waste," the word "unprofitable" should be employed.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) remarked that this was also covered by the present words of the clause.

Amendment (Mr. Parnell), by leave, withdrawn.

MR. GLADSTONE said, he did not object to the introduction of the words "agricultural buildings."

MR. WARTON did not quite understand how the clause would read if the proposed words were inserted. What did the hon. Gentleman mean by agricultural buildings?

MR. GIVAN said, he meant by agricultural buildings, agricultural buildings.

LORD JOHN MANNERS said, "the erection of agricultural buildings," was, perhaps, what was wanted.

MR. CHARLES RUSSELL suggested that the difficulty might be got over if the Amendment were altered so as to read "or any other works including agricultural buildings."

MR. GIVAN contended that his Amendment was perfectly intelligible.

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DR. LYONS regarded the introduction of the words as quite unnecessary.

MR. GLADSTONE said, the hon. Gentleman might, perhaps, waive the point, considering how comprehensive the words of the clause were.

MR. MITCHELL HENRY said, he hoped the Government would agree to the Amendment, because "agricultural buildings" were not now specifically included. He had had some experience in the administration of Acts of Parliament, and he did not doubt that at some time when this Act came to be administered, it would be ruled that agricultural buildings were not included.

MR. CHARLES RUSSELL thought the words now used were sufficient. Suppose they put in "agricultural buildings," what would they do with roads and other matters which were obviously agricultural matters?

MR. GIVAN said, that, according to his knowledge of the derivation of words, the word "agriculture" would not include buildings, and therefore he would respectfully suggest to the Prime Minister that he should adhere to his acceptance of the Amendment. The introduction of the words could do no harm, but would assuredly make things clear and save controversy hereafter.

MR. ARTHUR ARNOLD pointed out that the Companies now engaged in agricultural improvement were largely occupied in building. He was fully persuaded the clause would include buildings.

Amendment, by leave, *withdrawn*.

MR. LITTON in moving, in page 17, line 19, after "land," to insert "reclamation of foreshores," said, this Amendment would meet the view of the hon. and learned Member for Meath (Mr. A. M. Sullivan). All who were acquainted with Ireland knew that there was a large quantity of foreshore, which was quite capable of being utilized.

Amendment proposed, in page 17, line 19, after "land," insert "reclamation of foreshores."—(*Mr. Litton*.)

MR. A. M. SULLIVAN said, he was aware the question was not as simple as it might seem at a glance, for there would necessarily arise out of it some questions as to the Government right to foreshores. This Land Bill, or any other Land Bill, would only partially settle the Land

Question unless they could, by the industry of the people and by measures such as this, add a county or two to Ireland. He believed they could add a county to Ireland by the reclamation of interior waste lands; and he had long thought they might add a considerable area to Ireland if they could get the consent of the Crown—reserving and protecting in all reasonable way the rights of the Crown—to the reclamation of the foreshores. There was a large field in Ireland for useful enterprise of this kind. At a time when a neighbouring State was laying out millions of money in reclaiming their foreshores, we might very properly try, by our independent enterprise and industry, to do something to imitate, on a small scale, the industry and enterprise of the Dutch Government. He knew the question was beset with certain difficulty; but he would ask the Prime Minister whether he could not, consistently with the preservation of the legitimate interests of the Crown, take some steps towards the reclamation of Ireland's foreshores?

MR. FINDLATER called attention to the successful embankment, drainage, and sale of the Crown shores which had been carried out in Holland, and noticed that the Crown had already obtained 6,477 acres by reclaiming the foreshores of the Humber at Sunk Island. This land produced £13,196 annually, or about 40s. and 8d. an acre. It was very desirable that a large quantity of the foreshore about Dublin Bay on its north and south shores should be reclaimed in the same manner as was already done with the portion embanked between the Dodder and Merriam. There were about 3,000 acres available. The work would be quite as successful as the enclosing of the foreshores of Lough Foyle and Lough Swilly had proved.

MR. CHARLES RUSSELL said, the clause as it stood left it open to the Crown to carry out any schemes of reclamation it thought proper, and to make such conditions as would protect its own rights. He did not think the object of his hon. and learned Friend would be attained by the adoption of the Amendment, although he hoped the Amendment would be accepted, because it was a very useful one.

MR. GLADSTONE said, they would do well to include some words of this

nature. He would suggest that the words introduced should be "or foreshores or waste lands."

THE CHAIRMAN: We have passed that now. The Amendment may be moved on Report.

MR. A. M. SULLIVAN said, he had risen just now to propose an Amendment of this character, but the Chairman had informed him that it could be more properly brought on at a later stage of the Bill. He heartily thanked the Prime Minister for assenting to the proposition.

MR. PARNELL said, that before they left this question of foreshores, he wished to express a hope that the Government would favourably consider the question of allowing them to be sold to public Companies on reasonable terms. In the estuary of the Shannon there was a large amount of waste land. Some land in the estuary of this river had been reclaimed, but there was still a large quantity which could be reclaimed with advantage. The public Companies would be able to do this; in fact, it was about the only work of reclamation that they could undertake. There was a Mr. Drinkwater now engaged in reclaiming the foreshores of the Fergus River, in the estuary of the Shannon, and he (Mr. Parnell) had been told that this gentleman had paid a large sum for the purpose of being allowed to enter on the work.

Amendment, by leave, *withdrawn*.

MR. MITCHELL HENRY said, the Amendment he had on the Paper was of extreme importance, and it was to enable the Board of Works to make advances for the construction of roads, railways, or tramways, required as feeders to main lines of railway communication. In the West of Ireland the principal railways were, in some instances, 50 and 60 miles away from the agricultural portion of the country, and the inhabitants were perfectly ready to make lines of very light railway in these districts if they could get facilities for doing it. It was impossible to express to the Committee the difficulty of obtaining advances of public money for this purpose. Railway Acts were extremely expensive and cumbersome, and, unless something in the nature of his proposal were done, the people who cultivated the land in the extreme West, where there were no

railways, would continue to find it impossible to get their crops to market, and would be placed at a great disadvantage in competing with their more favourably situated countrymen. His proposal, if adopted, could do no harm, as the works he contemplated would all be subject to the approval of the Board of Works and the Treasury. It was only where these two bodies were satisfied that the works could be profitably executed that they would be allowed.

Amendment proposed,

In page 17, line 20, after "improvement," insert "including roads, railways, or tramways, required as feeders to main lines of railway communication."—(*Mr. Mitchell Henry*.)

MR. BIGGAR said, he wished to take the Chairman's opinion on a point of Order. This was a Land Bill, and the hon. Member was seeking to insert a provision in it for empowering the construction of railways. Could such a proposal be entertained?

MR. GLADSTONE: I must confess that, with the hon. Member who has just spoken, I think this Amendment is altogether outside the scope of the measure. If it were a question of lending money to existing railways for the reclamation of land, we should know what we were about; but that is provided for by Acts now existing, and for which Railway Companies give their debentures. And if, on the other hand, it is a question of lending money for reclamation for purposes of agricultural improvement, we know where we are; but it is nothing of the kind. The proposal is indefinite as to whom we should have to deal with and as to what the works might be that, though I do not discourage the endeavour to deal with the matter; and, though I think that such a measure as the hon. Member proposes might be useful, I fail to see how it could come in here.

THE CHAIRMAN: Before the hon. Member moved the Amendment, I thought the proposal was in connection with the reclamation of land—that these railways and tramways were for the purpose of giving facilities for such reclamation. That, however, does not appear to be the case, and, in the large sense in which the hon. Member has moved the Amendment, no doubt it is outside the scope of the Bill.

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MR. MITCHELL HENRY said, he had no objection to the Amendment being taken in connection with reclamation. He was absolutely certain that unless something of the kind he proposed were done the West of Ireland would continue to be in the deplorable condition in which they now found it. He hoped it would be remembered that the hon. Member for Cavan (Mr. Biggar) had prevented, or, at all events, done all in his power to prevent, the greatest improvement that could be effected in the condition of the poorest people in the West of Ireland. Of course, now, with the Government and the Irish Representatives against him, it was no use pressing the Amendment. Her Majesty's Ministers, seemingly, did not entertain the intention of improving the people of the West of Ireland in the spirit in which alone that improvement could be effected. This Bill, as it now stood, would do very little for these unfortunate people. Their pauperism would continue—it would remain the scandal to England and to Europe that it now was. Parliament would do nothing to assist these miserable people out of their wretched condition. No private Companies would assist them. What private Company would come forward to reclaim land in the West of Ireland under existing circumstances? Why, none in the world. No attempt had yet been made; but, if his Amendment were accepted, the people in particular localities, a long way from railways, would, with the assistance of the landlords, only too gladly make light railways and tramways, and add the reclaimed land to the agricultural wealth of the country. He only asked that facilities should be given to them for obtaining advances of money to assist them in carrying out objects which the Prime Minister himself admitted to be highly advantageous. This Amendment was on the point of agricultural reclamation, and he was exceedingly sorry that the right hon. Gentleman could not accept his proposal.

MAJOR NOLAN said, he looked upon the Amendment as connected with reclamation. In Galway County—which he represented—for instance, one of the uses of a light railway, or tramway, would be to transport the limestone which would be necessary in carrying out reclamation. Without such a road or railway there could be no reclama-

tion. The roads that at present existed were looked after tolerably efficiently; but it would be advisable to have such an Amendment as this in the Bill, because their main object ought to be to increase the general resources of the country, and, unless they had cheaper means of communication, they could not do that. There were hundreds of miles of country in the West of Ireland which, at present, were unsupplied with railway communication, although it was just the district which required it most.

MR. A. M. SULLIVAN said, there was no doubt in the world that the narrow-gauge railways and tramway could do a great deal in Ireland; but the question was whether these works could be promoted in a Land Bill dealing entirely with the matter of agriculture? As hon. Members who had advocated railways of this description knew perfectly well, he had been their stout ally when they had brought forward their proposals.

MR. O'CONNOR POWER regretted that the hon. Member for County Galway had not received more support from the Irish Members. It certainly did not look well for the Irish Representatives to raise points of Order on proposals for carrying out improvements in Ireland. The Amendment might not be quite in Order, but he should like to see its object effected.

THE CHAIRMAN: I must say that it is not competent for this Amendment to be put, or for hon. Members to discuss it, when—according to what has just fallen from the hon. and gallant Member for County Galway (Major Nolan)—its object is to bring about the construction of hundreds of miles of railway. I only allowed the Amendment to be put on the understanding that it was to apply to railways on the estates where particular reclamations were being effected—to railways considered necessary for the purposes of reclamation. As the discussion is going upon the question of railway construction in the ordinary sense, the Amendment cannot be put.

MR. W. H. SMITH: I would call the attention of the Committee to the words of the Amendment. They are—"including roads, railways, or tramways, required as feeders to main lines of railway communication." It seems to me that the mere reading of the words shows they are out of Order.

MAJOR NOLAN said, in answer to what had fallen from the Chairman, he wished to disclaim any idea of suggesting that under this Bill they should make a railway 200 or 300 miles long.

MR. MITCHELL HENRY said, he did not wonder at the Committee refusing to support the Amendment, seeing that the Irish Members themselves threw cold water on it.

MR. O'CONNOR POWER said, he had not mentioned the word "railway," because he had wished to avoid going into a matter that was doubtful. His intention had been to call the attention of the hon. Member for Galway to the spirit in which the Prime Minister had received his proposal. The right hon. Gentleman had felt the force of the objection on the ground of Order; but he distinctly sympathized with the object which the hon. Member for Galway had in view. He (Mr. O'Connor Power) would suggest to the hon. and gallant Member, in view of the reception his Amendment had received—the opposition to it having been mainly on the ground of Order, and its principle having been approved of—that he should re-cast it, restricting it to reclamation works, and bring it up on Report, when he had no doubt it would receive the support of the English and Scotch, as well as the Irish Members.

MR. BIGGAR said, he wished to say, in answer to what had fallen from the hon. Member for Galway—

THE CHAIRMAN: There is no Question before the Committee.

MR. BIGGAR: I will put myself in Order.

THE CHAIRMAN: I call upon Mr. Gladstone, who has an Amendment to propose.

MR. GLADSTONE: I rise to move the words which I promised the Committee to propose to the effect that the Board of Works may make advances to occupiers of land when satisfied that the security is such as to secure the repayment of principal and interest, or even when the landlord joins the occupier in giving such security. There are two branches to this proposition, and the later one—when the landlord joins the occupier in giving the security—was a recommendation made by a Departmental Commission that examined into the case for the Board of Works. As to the other case, under the former law, when

the interest of the tenant was not so far recognized by law as to become a regular marketable commodity, it was proper, probably, to confine the advances to tenants to cases where there was a definite term of a considerable number of years unexpired in the lease. Now the case is different. First of all, there is the definite interest of the tenant in the holding; and, secondly, there may be a statutory term; and, under these circumstances, in many cases the tenants will be in a condition to offer a really good security for the purpose of an advance. That, of course, will have to be examined, and, under these two heads, I think it is well to make a proposal of this kind. It would not have been desirable to introduce it into the first part of the clause.

#### Amendment proposed,

In page 17, line 20, after "improvement," insert "The Treasury may authorise the Board of Works to make advances for the like purposes to an occupier of land when satisfied that a tenancy or other security which he may have to offer is such as to secure the repayment of principal and interest within such a number of years as the Treasury may think fit, or when the landlord joins the occupier in giving such security."—(Mr. Gladstone.)

Question proposed, "That those words be there inserted."

MR. A. J. BALFOUR said, he did not rise to discuss the policy of the Amendment; but he wished to ask a question as to repayment, as he observed that the right hon. Gentleman had adopted different words in this Amendment to those in the 3rd sub-section. In the 3rd sub-section it was set forth that the money should be repaid in accordance with the provisions of a previous Act; but in the Amendment the money was to be repaid according to the discretion of the Treasury.

MR. GLADSTONE: The reason is this. If money in this way is to be advanced to an occupier of land, the only possible way in which you can do it is to leave the matter to the discretion of the Treasury. In the 3rd sub-section we are dealing with positive interests which, like those of the landlord, are permanent in their character. There is no difficulty in such a case to refer to the provisions of an Act which deal with loans made on the security of permanent interests. But in the case we are now dealing with it is obvious that the

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tenant's interests may be of a very limited and varying character, and that the advances may be small. I think the way we propose is the only way of doing the thing if it is to be done at all.

MR. CHARLES RUSSELL said, this was a very valuable Amendment, and went in the direction of one that he had himself put on the Paper; but it would be more effective, and was a great improvement on his proposal.

MR. T. P. O'CONNOR said, he agreed with the hon. and learned Member (Mr. O. Russell) that the Amendment of the right hon. Gentleman was a wise and acceptable one, and he hoped the Committee would adopt it. But there was one point on which, he thought, it fell short, and it was this. He was not sure whether he interpreted the Amendment rightly, but, if he did, no money could be advanced except to a person already in possession of some land. That scheme was admirable so far as it went; but it avoided one important part of the question of reclamation, because, as had been pointed out by various authorities, there was a large quantity of labour in Ireland which was quite capable of being applied to the reclamation of land—labour not from the farm, and not of people who were in the occupation of land. He had been trying to find in the Blue Book, Professor Baldwin's allusion to this before the Land Commission; but he had not succeeded. His recollection of the evidence, however, was sufficient to justify him in saying that Professor Baldwin pointed out several instances where labourers had had small pieces of unreclaimed land given to them either at no rent or a very small nominal rent, and, having managed to exist for the first year on borrowed money, or in some other way, had in time rendered the land valuable and capable of yielding them a subsistence.

MR. HEALY said, the hon. Member was in error. The persons he proposed to give employment to would have no interest in the reclamations that would be made.

MR. E. STANHOPE said, that as far as he understood the Amendment, it seemed to him very reasonable; but, at the same time, he thought the Government should have put a proposal of this sort on the Paper. The Amendment, as also the clause to which it related, were very important, and the Committee should not have been kept in the dark with

regard to it. He would appeal to the Government for the future to put their Amendments on the Paper at least a day before they intended to bring them forward.

MR. GLADSTONE: The greatest efforts have been made by the Government to put their Amendments on the Paper. When the hon. Member comes to have charge of a great and complicated measure to which there are no fewer than 1,500 Amendments—Amendments which are put down from day to day—he will appreciate the difficulty of the present position of Her Majesty's Government. It was not an easy matter to examine the many Amendments proposed, and to make those proposals which seem to us to be necessary with regard to them.

MR. GORST said, that, in justice to his hon. Friend (Mr. E. Stanhope), he would point out that this was an Amendment which could only be moved by Her Majesty's Government. It was an Amendment making a charge upon the public funds, and therefore was one which could only be moved by a Minister of the Crown. His hon. Friend surely was justified in complaining that an Amendment of this kind, which could only be moved by a Member of the Government, had not been duly put down on the Notice Paper.

MR. P. MARTIN said, that the Amendment of the hon. and learned Member for Dundalk (Mr. O. Russell), which was somewhat similar to that of the Prime Minister's, had been on the Paper for a week. The Amendment now proposed simply used different and more effective words to give effect to the same object as that stated by the hon. and learned Member for Dundalk. The Committee could not be said to have had this Amendment in any way hurriedly presented for their consideration.

LORD GEORGE HAMILTON wished to say a word in justification of what had fallen from his hon. Friend (Mr. E. Stanhope). The Committee were adopting a novel principle, because money was to be advanced on the tenant's interest in his holding, and that interest the Government had said, over and over again, they could not define. Under these circumstances, the Committee should have had Notice of such an important Amendment as this.

MR. DAWSON said, that if this Amendment was to be applied only to

*Mr. Gladstone*

tenants in occupation of waste land, it would do very little good indeed. There was lots of waste lands, at present, in which no tenant had any interest. If the Government insisted upon this interest, they would be doing very little to put the waste lands into the possession of the Irish people.

MR. O'CONNOR POWER was not surprised that the suggestion of the hon. Member for Galway (Mr. T. P. O'Connor) should have attracted some attention. He agreed with the hon. Member that unless some provision were made that would invite unemployed labourers to apply themselves to the reclamation of waste land, reclaimable lands would never be reclaimed, and the danger of periodical famine in Ireland would never be removed. There was an Amendment further on in the name of the hon. Member for Dublin, the object of which was to enable the Land Commission to buy lands for the purpose of tempting farmers in the crowded districts to cultivate them. That would cover the whole matter. No doubt, the hon. Member for Galway had done well in calling attention to this matter; but, if he had seen the Amendment lower down, he would have known that there was ample time to provide for the case he had in view.

MAJOR NOLAN said, the Board of Works ought to be enabled to lend sums of less than £100, otherwise the small tenants might not be able to derive benefit from the advances. Would the Government give the Board of Works power to advance small sums?

MR. ARTHUR ARNOLD said, that under the Relief of Distress Act loans of £40 were granted. He would point out, in answer to the hon. Member for Galway (Mr. T. P. O'Connor), that the Companies who would engage in the work of reclamation would find it to their interest and advantage to employ labourers of the kind referred to, and, no doubt, they would do so.

MR. PELL wished to know what security they would have that the improvements would be carried out when the money was advanced? Was the money to be given in advance before the improvements were effected or after? He should be glad to know in what position the Treasury would stand in the case of a tenant who had borrowed money for the improvement of his tenancy, had subsequently broken the

statutory conditions of his lease, and upon whose interest in his holding the landlord, under the Act, had the first lien for unpaid rent? In such a case, who would have the first claim, the landlord or the Treasury? He agreed with the hon. Member for Mid Lincolnshire (Mr. E. Stanhope) as to the disadvantage they were under in not having this Amendment—which was by no means so simple as it looked—printed on the Paper. The Committee should have had an opportunity of seeing it in print, and of giving it the careful consideration it deserved. At the same time, there was some force in the statement of the right hon. Gentleman the Prime Minister on this head.

MR. GLADSTONE: The question is a very reasonable one. I do not know that we have a right altogether to exclude improvements; but we must look not to them, but to the value of the securities. One guarantee that improvements will be effected is the interest the tenant has in his holding.

SIR STAFFORD NORTHCOTE: I cannot help thinking that that is taking rather a sanguine view of the matter. There will be a great temptation to men to undertake works that seem at first sight—until tested—very likely to yield profit. I understand that these tenants are not to be subject to the conditions that Companies are to be subject to, and that it will not be necessary, before they receive an advance, that they shall have expended some amount of money themselves. The money is to be advanced directly the Treasury are satisfied that the tenants have sufficient security to offer. We know what the outcry against the Board of Works has been; and if there is any hesitation on their part to advise the Treasury, or any hesitation on the part of the Treasury to accept the suggestions made to it, they will be called narrow-minded, and will be accused of preventing that which is in the interests of the people of Ireland. These words require very careful consideration before they are adopted by the Committee.

MR. GLADSTONE: I do not think the primary business of the Government, in these cases, is to look at the value of the improvements. We do not inquire whether the tenant's works are works that must necessarily answer. What we ask is whether the tenant can offer us a security of such a substantial character as to warrant our making the

advance. That is the principle upon which all these offers to landlords and tenants have been made. Heretofore it has always been done on the very firm and solid interests of the landlord, or on the interests of the tenant that could be stated to Parliament, such as a given unexpired term of a lease. Evidently, the business to be done must be done on the credit of the Treasury. No one can see what the value of the tenant right will be, and I do not see my way to define it in an Act of Parliament. We must leave the Treasury to its own responsibilities as to any rule for making advances.

SIR STAFFORD NORTHCOTE: But who will have priority of claim? Will the Treasury take priority over other advances—over other debts?

MR. GLADSTONE: I apprehend that that will certainly be so.

MR. W. H. SMITH: I think that, as a matter of practice, it is customary for the Board of Works to make itself satisfied that the works have been carried out before the instalments are paid over to the landowner. It is found to be a most necessary and useful rule, because, otherwise, money which is borrowed for one purpose, may be spent on another. Unless this condition is insisted on in connection with advances of all kinds, I am afraid that misappropriation will arise.

MR. GREGORY thought it was necessary that some solid security should be given to the Treasury.

MR. WARTON said, he must protest against the plan adopted by the Government of moving Amendments of a most important character on such very slight Notice. Before they considered an Amendment, two things were necessary. First, that they should get the actual words of it. Now, if Amendments were showered upon them in this way, it was a difficult thing to get possession of the words of a proposal. After this, it would be a necessary qualification for a Member of Parliament to be able to write short-hand, otherwise they would not be able to get on. If he had not been able to write very quickly, and if he had not heard the Amendment read out three times—first by the Chief Secretary, then by the Premier, and lastly by the Chairman—he should not have been able to gather, even in the imperfect manner in which he had

gathered them, the phrases of the Amendment. And the next step, after getting the words of an Amendment, was to understand them. The very moment an hon. Member commenced to comprehend them, the hon. Member for Sussex (Mr. Gregory), the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith), or some other hon. Member, rose and pointed out a difficulty. He did not suppose that all hon. Gentlemen present cared to understand the words. He did, however, and had watched every word of the measure with the intention of understanding it, if possible. There was a point upon which he was not clear, and upon which he should like to have some information. There was a section of the Bill which provided that there should be no advance, even to a Company, before part of the money had been expended. Supposing that the money had been expended, and supposing that, at the same time, a baronial guarantee had been given, what security would the Treasury get from the Company?

MR. GLADSTONE: We will look carefully into the conditions on which such advances are to be made to tenants, and it will be our duty to suggest words to meet the difficulty the hon. and learned Member anticipates.

SIR R. ASSHETON CROSS: Did I understand the right hon. Gentleman just now to say we are not to look to the value of the improvements, but to the value of the securities, so that the Government may be safe? The Prime Minister said, afterwards, that the Treasury were to have a prior claim over other creditors. I would ask, then, what is to become of the landlord, if his security is to be subsequent to the tenant's liability to the Government?

MR. GLADSTONE said, the existing Act would deal with such cases.

LORD RANDOLPH CHURCHILL asked whether they could not manage to persuade the Government to postpone this matter? He did not wish to meet the question in any hostile spirit. He had carefully examined the Amendment in the hands of the Chairman, and found there were two alternatives in it. One was that the Government might advance the money if the tenant produced sufficient security; and the other was that the Government might advance the money without any substantial guarantee

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at all if the landlord joined in the security. The result of that might be that the Government might advance money, though the landlord was directly opposed to the expenditure. That was an extraordinary position to put the landlord in. They had admitted in Ireland that which up to now they had never admitted, and what was not admitted in England—namely, that the tenant had an interest in the soil. This being so, surely the two persons who had an interest in the land should co-operate. If there was to be a Government advance for effecting permanent improvements, surely the two partners in the concern should concur in the arrangement, especially as it appeared that the Treasury, as a creditor, was to have priority of claim for payment. The tenant might have only a fleeting interest in the soil—he might be here to-day, and gone to-morrow. There was always a substantial security so far as the landlord was concerned, but this was not so in the case of the tenant; and yet they proposed to give him an advance, absolutely irrespective of the consent of his partner with a more permanent interest. He (Lord Randolph Churchill) was afraid the matter had not received from the Government that deep attention which the importance of the subject required. That the occupier, who might break his contract at any time, should have as great a right as the owner of the fee-simple, was a remarkable thing.

MR. GLADSTONE: The noble Lord has repeated his argument over at least 10 times. It is said that what we propose is novel in principle, and that there is no precedent by which to sustain it. The noble Lord must have entered the House immediately before he made his speech; otherwise, he would have been aware that the principle of making advances to occupiers is already recognized in our law, and that the questions with regard to the relative positions of the landlord and tenant, and the degree at which it is right to insure that the works are intended to be, or have been begun to be, executed, are dealt with in our law, and that the only change now made is with regard to new interests. New interest having been defined on behalf of the tenant, it seems reasonable to extend the principle already well established to those interests. I fully admit that we shall have to apply to

this clause the same principles of justice as to the *bona fides* of the tenants that we have applied in other cases. I mean the principles applied in the case of the Act of 1847, passed in consequence of the Famine. It was provided in that measure that a tenant might become a borrower from the Government for improvements; but the lease was liable to forfeiture on breach of conditions.

MAJOR NOLAN said, he had not yet received an answer to his question.

MR. W. E. FORSTER: The hon. and gallant Member is mistaken in supposing that the limit of £100 would apply to this clause.

MR. PELL said, he thought the point to which the Prime Minister had addressed his observations was hardly clear yet. If the improvements contemplated in the Amendment were to be such as would add to the letting value of the land and improve the security, no one could have any objection. He should be pleased to see money advanced to the tenants for the purpose; but they could not disguise from themselves that the tenant might borrow to make improvements which would not add permanently to the value of the land. Money had never been advanced to the tenants of England to enable them to improve the letting value of their land; but where English tenants were in difficulties he should be glad to see it done. There should be some direction to authorities in the Amendment to the effect that where money was lent to a tenant for improvements, those improvements should be of a permanent character, and not such, for instance, as would run out by a severe course of cropping or careless treatment of the land. He trusted the latter part of the Amendment would be accepted by the Committee, for the landlord would be a most proper person to judge whether or not the improvements were desirable and proper. The very fact of his joining in the security would be a guard against the borrowing of money by a tenant for a visionary purpose.

MR. WARTON said, the Premier had given the noble Lord credit for repeating his argument over many times, and had proceeded to answer the argument advanced. He (Mr. Warton) was, no doubt, to be blamed for not having repeated his question several times, for, as a punishment, no reply had been vouchsafed him. What he wished to

know was this. Why did the Premier propose to make advances to the occupier on terms so very different—so very much more favourable—to those allowed to a Company? Why should the Treasury advance money to a mere occupier, with no restriction whatever as to a single farthing having been spent?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, there need be no difficulty in the minds of hon. Members as to the character of the improvements. "Improvements," in Ireland, were well known to mean works which added to the letting value of the holding and were suitable to it.

SIR STAFFORD NORTHCOTE: I should like to ask the Government whether there is any precedent in which advances have been made by the State before any work at all has been done?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that the manner in which the thing was done at present was this. The State authorized advances to be made; this was carried out by the Board of Works, and a memorandum was required from the person borrowing, setting out the title to the holding, the work to be done, and the money value of the work. That was tested by an engineer of the Board of Works, who reported whether the memorandum was substantially correct, and if it was the advance was authorized by the Board. According to the present practice in Ireland, the advance was made in five parts. As soon as one-fifth of the work was completed, a report to that effect was made out by the person to whom the advance was to be made. The work so executed was examined by the engineer to the Board of Works, who reported whether the work was properly executed pursuant to the requirements and the memorandum. On receipt of that report, if favourable, one-fifth was advanced, and the same process was repeated in regard to each successive fifth.

SIR STAFFORD NORTHCOTE: Will the same system be adopted under this Bill?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON): Yes; the arrangement will be such as to suit the ordinary requirements of the Board of Works.

LORD RANDOLPH CHURCHILL said, he would move to amend the pro-

posed Amendment by leaving out the word "or," and substituting "and." By this it would be necessary for the landlord to join the tenant in the security. He considered it monstrous to force on the landlord improvements that he might not want, and which, in fact, he might consider detrimental to the letting value of the estate. A tenant might, for his own purposes, wish to carry out improvements which would alter the character of that part of the landlord's estate, or wish to carry out a system of drainage which would not fit in with the drainage of the adjoining land. They said the landlord had a joint interest in the land; why, then, should he not have a joint interest in the improvements to carry out which money was to be advanced by the State?

Amendment proposed to the proposed Amendment, after the word "fit," to leave out "or," and insert "and."—*(Lord Randolph Churchill.)*

Question proposed, "That the word proposed to be left out stand part of the proposed Amendment."

MR. GLADSTONE: We propose that there shall be two conditions under which the tenant can obtain an advance for improvements. One is when the landlord joins the tenant in giving security, and the other is where the tenant himself gives a sufficient security. The one method is entirely agreeable to the present law, and only a new extension is given to it; the other is as to the grants made on the security of the landlord and tenant. The noble Lord's proposal is to give the landlord an absolute veto, and that we cannot accept.

MR. BRODRICK wished to know whether the improvements would include the erection of labourers' cottages?

MR. WARTON wished to know whether the words "such security" had any reference to what went before?

MR. GLADSTONE: In reply to the hon. Member opposite (Mr. Brodrick), I may say that labourers' cottages are included.

Question put, and *agreed to.*

Amendment *agreed to.*

MR. COCHRAN-PATRICK said, he had an Amendment on the Paper, the object of which was to require an accurate

*Mr. Warton*

record to be kept of the archæological remains likely to be injured by the improvements for which advances were to be made by the State. The great importance and interest attaching to the antiquities, which were so plentifully scattered over the soil of Ireland, was only now beginning to be realized in this part of the United Kingdom; and the present was a very fitting opportunity, and one which might not present itself again for some time, to endeavour to preserve some record of them. This proposal was not open to many of the objections which had been taken to other means of dealing with ancient monuments. It would in no way interfere with the rights of property, and it would not interfere with the scope of the Bill, but would merely provide for the preservation of those relics and antiquities which, if once destroyed, could never be replaced again. The proposal had received the sympathy of the Council of the Royal Irish Academy, a body that had done very good work in connection with the antiquities of that country. Whilst the Government were paying large sums for patches and shreds of antiquities and relics from other countries, they systematically neglected the evidences and remains of civilization which lay at their very feet, and which were as important as any ancient relics to which they had ever devoted their attention.

#### Amendment proposed,

In page 17, line 20, after the word "security," at the end of the foregoing Amendment, to insert the words "Provided, That, whenever advances are made by the Treasury for the purpose of reclaiming or improving waste or uncultivated land, on which archæological remains exist, likely to be injured by the operations, accurate plans, views, and descriptions of such remains shall be taken in triplicate, and one copy shall be deposited in the British Museum, one copy in the Library of the Royal Irish Academy, and one copy in the National Museum of Scottish Antiquities in Edinburgh; and that efficient means shall be taken to preserve and secure for the National Collections all relics of antiquity which may be discovered in the course of the operations."—(Mr. Cochrane-Patrick.)

Question proposed, "That those words be there inserted."

SIR JOHN LUBBOCK said, he hoped Her Majesty's Government would see their way to accept the Amendment of the hon. Member opposite (Mr. Cochrane-Patrick). From the expe-

rience they had had in the past, there could be no doubt that when these works were carried out many of these ancient relics would be destroyed. Already a large number of them had perished, and in the future they should not allow such a thing to occur. The House, in an early period of the Session, passed by a considerable majority a Resolution in favour of preserving ancient monuments. He should have liked to ask whether Her Majesty's Government would be prepared to take any steps in accordance with that Resolution; but he had abstained from pressing the right hon. Gentleman, because he knew very well what difficulties the Government had to contend with in connection with other subjects in passing this Bill; yet this matter was one of great importance, and he felt bound to impress upon the Committee the desirability of preserving, at any rate, a record of any relics which might be destroyed.

MR. A. M. SULLIVAN said, he thanked the hon. Gentleman most sincerely for having brought forward this Amendment; though, at the same time, he should like to point out to him an alteration of which it was susceptible. He would suggest to him that all he should ask the tenant to do would be to allow reasonable facilities to the officials of the Royal Irish Academy in making these drawings. If they threw on the tenant the duty of themselves preparing these views and sketches, they would run the risk of having some very inartistic and untrustworthy productions sent up to Dublin. He not only sympathized, however, with the object of the Amendment, but he had prepared an Amendment to it, which he thought would render it more effective. He would propose that, after the word "operations," the following words should be inserted:—

"The persons proposing to carry out such reclamation or improvement shall allow reasonable facilities to any person authorized on their behalf by the Board of Works."

And he would suggest that most of the remaining words should be omitted; because, to whom could they intrust the duty of sending one copy to the British Museum, one copy to the Library of the Royal Irish Academy, and one to the Museum of Scottish Antiquities in Edinburgh? When they who were now

in the House were all passed and gone there might be many persons sitting in their places who might regret very much that such a plan as that now proposed had not been carried out. He had had occasion to visit various parts of Ireland for the purpose of making sketches of Irish antiquities, and had had great reason to regret that there were not in existence such records as the hon. Member sought by his Amendment to have prepared.

MR. PERCY WYNDHAM said, the only objection he had to this Amendment was that it seemed to assume that all these monuments in Ireland were to be destroyed. As Her Majesty's Government, however, would get a lien upon the land for which they advanced the money, they should be asked at once to take steps to insure that, at least, the small antiquities should be inclosed and preserved. Of course, the preservation of many large antiquities might interfere with the proper cultivation of the land; but as to small ones, no drawing could have the same archaeological value as the original relic. It was a very difficult thing, at any time, to get good and accurate drawings that would be of any value made of these things. He trusted Her Majesty's Government would take the whole question into their consideration, so as to deal with it in such a way as to preserve, at all events, those antiquities which it would not cost much money or labour to save, and to have accurate drawings made of the remainder.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he wished to remind the Committee that the question now before them was the progress of the Irish Land Bill. The Motion of the hon. Member had not reference to the preservation of ancient monuments, but to the preparation of views and drawings of them. Well, the national history of a country was not written in views and drawings. It was written in the monuments that existed, and he believed that Ireland possessed an advantage over every other part of the United Kingdom in the number and preservation of its great national monuments. Most of these national monuments of Ireland were ecclesiastical and were under the care of a Board, whose engineer inspected them from time to time, and preserved them from

ruin. The monuments existing on uncultivated lands were Druidical remains, which consisted of large stones, and raths, usually called Danish raths, or cromlechs; and these were and would be best preserved by the national sentiment, as long as national feeling existed in Ireland. The people of Ireland would no more allow a rath to be invaded by the plough, or a stone to be taken from a cromlech, than they would allow the roof-tree to be taken from over their heads.

MR. E. STANHOPE said, there was evidently a strong feeling in the Committee on this subject; but, no doubt, hon. Members would be thoroughly satisfied if the right hon. Gentleman would say that he would be prepared later on to put words into the Bill for the purpose of preserving these ancient monuments.

MR. GLADSTONE: I recognize the excellent spirit in which my hon. Friend has made an appeal to me; but, at the same time, I really cannot accept the task he invites me to undertake. I am asked to frame a scheme for the general preservation of ancient monuments, and to introduce into this Bill such words as will be conformable to its other provisions. Well, it is not in my power to do anything of the kind. If the Committee chooses—if the Committee sees its way to framing a scheme of this kind—it is not for us to offer an obstinate opposition to it; but it is impossible for me to undertake an engagement in the face of the Committee, when I know that I have neither mental strength nor time to fulfil it.

SIR JOHN LUBBOCK said, he should be extremely sorry to impose any additional tax upon either the time or strength of the Prime Minister; but, so far from it being the case that ancient Irish monuments were now well cared for, he had only that morning received from Miss Stokes, an Irish lady, whom most of them must have heard of, a list of the Irish antiquities which had been demolished within the last few years. From this list it would be seen how misinformed on this subject was the Solicitor General for Ireland. What was it that his hon. Friend asked for? It was not that any general scheme should be prepared for the preservation of the ancient monuments throughout the entire Kingdom; but that where, in

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consequence of the works carried out under this Bill, monuments were destroyed, full records for historic and scientific purposes should be kept of them. The Solicitor General for Ireland had said that the monuments that would be interfered with would be Druidical stones. But he would point out that very frequently when works had been undertaken on these waste lands, other antiquities had been discovered—such as ornaments of gold, bronze, and stone. It would be disgraceful to a country like ours if, in passing a Bill of this kind, they did not take some measures to preserve records of these interesting antiquities.

SIR JOSEPH M'KENNA said, he could not see any great object in refusing to allow the words to be inserted. He did not attach any tremendous importance to the proposition; but, at the same time, the matter was one of some archæological interest, and he hoped the Committee would allow the Amendment to be carried. There was a strong feeling on the part of some of his archæological Friends that this was one of the most innocent forms of Amendment that could be made to the Bill; and he hoped the right hon. Gentleman the Prime Minister would accept it, which he might certainly do with the assurance that it could not do any great harm.

MR. W. E. FORSTER said, he only wished to say one word. His hon. Friend said he had proposed this Amendment in the interests of ancient monuments; but he (Mr. W. E. Forster) really thought that if it were carried it would really be against those interests, because it would create an idea that wherever these monuments existed they need only take photographs or drawings of them, and then the monuments themselves might be destroyed. There was not, however, as he hoped, any general feeling in favour of the demolition of ancient monuments; and with regard to those things that were found in the shape of coins and so forth, they, as his hon. Friend was aware, were paid for by a regular scale, and would not be affected by the Amendment. If the Amendment were carried, there might be those who would say—“We will take drawings of these things and then destroy them as fast as possible.

MR. DAWSON thought it absurd to suggest that the Irish people would destroy all their ancient monuments be-

cause photographs or sketches were made of them. He believed that there were a number of very ancient monuments which had been left to the care of the Irish people, and that might still be trusted to that care. The people would not destroy those monuments; and all he asked was that, instead of passing Amendments enabling sketches to be taken of these relics, a provision should be enforced under which, at the present moment, the preservation of ancient monuments in Ireland was carried out.

MR. O'DONNELL said, Her Majesty's Government did not seem to have shown much consideration for ancient monuments in Ireland, for only a short time ago the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland (Mr. W. E. Forster) had despatched a whole battery of artillery against one of the most ancient Irish monuments. He hoped the Committee would be inclined to adopt the Amendment; but, at the same time, they should remember that the progress of the Land Bill was concerned in the matter, and they might as well go to a division on the Amendment, solacing themselves for a certain defeat with the knowledge that it might not be very long before they might be in the presence of a Government having more consideration for Irish national feeling. Nothing more dignified nor more ancient that belonged to the era of a caucus could ever hope to command the consideration of Her Majesty's Government.

MR. T. D. SULLIVAN said, the right hon. Gentleman the Chief Secretary for Ireland had been very complimentary to his (Mr. T. D. Sullivan's) countrymen in the remarks he had just addressed to the Committee. He (Mr. T. D. Sullivan) liked to hear compliments to his countrymen when he thought they were deserved; but on this point he knew, as other Irishmen knew, that it was a fact that numbers of ancient monuments were being dilapidated and had been deteriorated within their time, and probably would continue to be dilapidated, unless attention were called to them and something done to insure their preservation. In most civilized countries some care was taken for the preservation of relics of this kind; and what was now proposed was that in the dispersion of any of the Irish national



monuments, if such a thing should become necessary in the process of reclamation, something should be done, by which, at least, a reliable record of them should be preserved to the country. He should be very sorry to do anything to delay the progress of the Bill, but he did think that this was a fair proposal; and he hoped the Government would say that as the works of reclamation about to be undertaken under the Bill would, to some extent, be destructive of some of the ancient monuments of Ireland, there ought to be some sort of record of those relics preserved for the benefit of the country. He knew of cases that had occurred within his own knowledge in which the remains of ancient abbeys had been dilapidated, and sometimes taken away. The peasantry had removed the stones from these ancient edifices in order to build houses, and in some cases to build pig-styes. They could not shut their eyes to the fact that the remains of these ancient buildings had been torn down by the peasantry. It was perfectly true that there were in Ireland many of these objects with which a superstitious feeling was connected. If it were a national feeling, so much the better; but, as he had already said, there were numerous cases in which great harm had been done, and was still being done, and would continue to be done—harm which this Bill would accelerate unless some provision were made such as was suggested by this Amendment. He did not wish to occupy the time of the Committee unnecessarily, nor did he wish to involve the Prime Minister in any great or elaborate scheme for the preservation of ancient monuments; but he hoped the right hon. Gentleman would give his mind—and he had a great mind—to this matter, feeling assured that if he were to do so he could easily devise a sentence or two by which, in a very few words, he might carry out the spirit of the proposal expressed in the Amendment then before the Committee.

Mr. HEALY said, the chief ancient monument they would require to take care of in Ireland under this Bill would be the one set up to the Chief Secretary to the Lord Lieutenant on his departure from the control of Irish affairs.

Mr. COCHRAN-PATRICK said, his Amendment by no means meant to convey any imputation on the Irish pea-

santry; on the contrary, it was a well-known fact that the ancient monuments of the country had been cherished and preserved by the Irish people. If he had the smallest encouragement from the Treasury Bench in supposing that before the intended works of reclamation took place some means should be guaranteed by the Government by which a durable record of the monuments that would be destroyed should be secured he would ask the leave of the Committee to withdraw his Amendment.

Mr. MITCHELL HENRY said, the Committee ought to be aware that there was a Department of the Board of Works which was specially charged with the duty of looking after the ancient monuments of Ireland; so that if the Amendment were withdrawn, it did not follow that proper care would not be taken of those monuments. The Board of Works would have the superintendence of the improvements that were to be undertaken with the public money to be advanced by that Department, and if that Department discharged its duties, all that the hon. Gentleman (Mr. Cochran-Patrick) asked for by his Amendment would be done.

Mr. LEAMY said, the hon. Gentleman who had just sat down had told the Committee that the Board of Works were already charged with the duty of looking after the ancient monuments of Ireland. He (Mr. Leamy) was informed that the Board of Works had whitewashed Cormick's chapel.

Mr. GLADSTONE: I may say that I have myself examined the church of Glendalough, which is under the care of the Board of Works; and it is not only my own opinion, but that of everyone who has had the opportunity of going there, that there never was anything more admirably done, with more careful skill and unremitting diligence, than the reclamation of those monuments.

Mr. T. P. O'CONNOR said, the authority of the Prime Minister might be high authority; but a far higher and more trustworthy authority had been referred to, and according to that authority it was undoubtedly the fact that objects of archaeological interest had been destroyed in Ireland during a comparatively brief period. Did this, he asked, accord with the high character the Prime Minister had given of the Board of Works?

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MR. T. COLLINS said, the only authority the Board of Works in Ireland possessed with regard to these ancient monuments was that which was intrusted to them under the Irish Church Act; they had no control over the monuments in general.

SIR JOSEPH M'KENNA said, he did not impugn in the least degree the care the Board of Works had exercised in respect to architectural monuments. He believed that their care and attention in respect to those monuments that were under their supervision had been complete; but with respect to the agricultural improvements that would take place under the Bill, it might be that some of the ancient relics such as mounds and burrows would have to be removed, and it was only a reasonable proposition that someone should have charge of those monuments, who should see that before they were removed some record of them should be taken for preservation.

Question put.

The Committee *divided*:—Ayes 143; Noes 189: Majority 46.—(Div. List, No. 301.)

MR. LITTON rose to move an Amendment standing in his name.

MR. BIGGAR asked what had been done with the Amendments that stood before that of the hon. and learned Gentleman (Mr. Litton)?

THE CHAIRMAN: All the Amendments, except those which I called, were on matters previously decided, and could not be put; and as to those that were called, hon. Members in whose names they were put down did not answer until I came to that of the hon. and learned Member (Mr. Litton).

MR. BIGGAR said, perhaps as he had not heard his Amendment called, the Chairman would allow him to move it, as it took precedence of that of the hon. and learned Gentleman. His Amendment was, in page 17, line 26, to leave out all the words from the word "with" to "guaranteed" in line 28, inclusive. The Government had shown that they were exceedingly careful, and very properly so, with regard to money which was guaranteed by the Public Treasury; but they did not seem to exercise the same care with regard to other parties, and were willing to empower the advance of money to be expended on certain improvements properly in cases where a

guarantee from a barony was given. But he held that the guarantee of a barony could not come into operation for the improvement of private property and for the benefit of private individuals. These baronial guarantees would be simply guarantees on behalf of some half-dozen of perfectly irresponsible private parties. It was an absurd proposition that private persons should be guaranteed in this sort of way. It was all very well for a person to put his name to a carefully-prepared document and become responsible for another, but that some half-dozen people should mortgage the property of all the rest living in their own barony simply for their own benefit was, as it seemed to him, a proposition that could not be defended.

Amendment proposed, in page 17, line 26, leave out from "with," to "guaranteed," in line 28, inclusive.—(Mr. Biggar.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. TOTTENHAM thought that one expression he had heard fall from the Prime Minister was peculiarly applicable to this Amendment—namely, that anything introduced into the Bill ought to be in accordance with the provisions of the scheme it embodied. He (Mr. Tottenham) maintained that the words proposed by the Amendment to be left out were entirely superfluous for the purposes of the Bill. It seemed to him that the clause as it stood was an extension of the principle which had always been held in great disfavour by Parliament, and one which, in the year 1874, a Standing Order of the House was specially framed and passed for the purpose of checking. That Standing Order was No. 67, and, without reading the whole of it, he would inform the Committee that it provided—

"That if a copy of the Bill should be approved by a majority of the members of the Grand Jury, Presentment Sessions, and the Board of Guardians respectively, it should be deposited at the Private Bill Office."

That Standing Order was specially framed to prevent any measure being slipped or passed through without the knowledge and assent and against the opinion of the ratepayers of the county, who, it was intended, should have every

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opportunity of thoroughly sifting and discussing it. That provision was specially passed for the purpose of insuring that this should be the case. If it were necessary to restrict the mode in which these things were done for public purposes, how much more was it necessary to do so when it was proposed, as by the present clause, to give powers which solely and entirely related to what generally would be regarded as private purposes? The Relief of Distress Amendment Act of 1880 swept away all these safeguards that were enacted by the Standing Order of 1874; and by Section 14 of that Act it was provided that the Lord Lieutenant might from time to time, if in the exercise of his powers he might deem it necessary, convene extraordinary sessions for any barony, and might, by instructions to the justices, authorize them, by presentment, to charge the barony with a guarantee for the repayment of any sum advanced under the provisions of the Act. This power was, under the Act referred to, given to the Presentment Sessions alone, and that Act swept away the provisions of the Standing Order of 1874. The Presentment Sessions, by their own Act, were enabled to charge the barony with the sum applied for without notice or advertisement, or without any appeal from their decision. This was, however, for public purposes, and merely referred to the Standing Order of 1874, as to applications for railway purposes; but it was now proposed, under the present Bill, to apply this power for the purpose of reclamation of land for agricultural purposes, which in no sense of the term could be called public purposes, but were essentially purposes of a private nature intended for the profit and emolument of private individuals, whether the land belonged to a single individual or to a Company, for which there was provision in the Act. In the case of drainage, the improvements effected might possibly accommodate and benefit a certain number of occupiers within the area of what was called the catchment basin that was proposed to be drained; but beyond and outside this the ratepayers had no interest in the expenditure. It could not advantage the general public, and he could see no justification for legislation which proposed to put it in the power of any individual to make application, after a fortnight's

notice, for an advance of public money for the purpose of making improvements that would have the effect of enhancing the value of his own property at the expense of the ratepayers, who would receive no benefit whatever. He was altogether in favour of guarantees having for their object matters of public utility, such as the construction of railways, canals, and so forth, from which an indirect benefit could be derived by the general public; but he could not see any sound policy, and he could not understand the justice of a proposal which contemplated the throwing on ratepayers of a charge in return for which they would not and could not, as in the present instance, receive any benefit whatever. Therefore, although he was, unfortunately, not in the House when his name had been called by the Chairman, or he would have moved the Amendment he had on the Paper, he would give his support to the Amendment before the Committee.

MAJOR NOLAN was sorry to find that railways were not included in the proposal; and though he saw that the clause was framed in such a manner that hon. Members might take exception to it, he nevertheless thought it would be a great advantage to have some local body empowered to give a guarantee; and, even if the baronial sessions were deemed in some respects objectionable, he thought they would be found to be on the side of economy.

SIR JOSEPH M'KENNA hoped the Government would be disposed to accept the Amendment.

MR. PARNELL said, he was very sorry the Government had mixed up the Relief of Distress (Ireland) Act of 1880 with the present Land Bill. The Relief of Distress Act, which conferred for the first time on the Lord Lieutenant and an Extraordinary Presentment Sessions the power now proposed to be given to the baronies, was passed for the purpose of meeting an exceptional emergency; and it was certainly found that, as far as the emergency went, that provision had proved an entire failure. But still it was passed to meet an emergency, and the Amendment Act of 1880, which had been spoken of by the hon. Gentleman the Member for Leitrim (Mr. Tottenham) was also passed, to a certain extent, to meet an emergency. The extension of the provisions of the Relief of Dis-

*Mr. Tottenham*

ness Act by the Act of 1880, was only an experiment, and it was carried on as an experiment; but its operation was chiefly confined to works of a public character. It was, in fact, confined to Railway Companies, Harbour Boards, and so forth; and the suggestion made in this clause—namely, that baronial guarantees should be given at Extraordinary Presentment Sessions, hastily convened by the Lord Lieutenant under the exceptional provisions of the Relief of Distress Act of last year, for the purpose of levying heavy charges on the ratepayers of the Irish counties, was quite a new departure. He did not mean to say that no Irish county should be allowed to charge its securities for public purposes on the ratepayers or county cesspayers; but he thought that before they gave the additional facilities now proposed to authorities who were only nominated and not elected, and therefore not representative, they ought to pause and reflect on what they would thus be doing. As far as he could see, the only temptation a public Company could have to go over to Ireland and embark in these projected schemes for the reclamation of waste lands would be that which was afforded by the proposed baronial guarantee, with the knowledge that it would be possible for that Company, if the undertaking proved a failure, to charge on the defenceless ratepayers of the county the loss that might have been sustained. He certainly hoped the Prime Minister would hesitate before accepting the principle contained in the Relief of Distress (Ireland) Act—a principle opposed to all modern ideas of taxation with representation and so forth, and which, if adopted, would undoubtedly lead to a great deal of jobbery. There was in the clause as it stood no guarantee that the property of the ratepayers would be respected in the slightest degree. It had been well pointed out by the hon. Gentleman the Member for Leitrim that all the old checks which Parliament had by its Standing Orders deliberately placed on these sort of guarantees—namely, the necessary consent of the Boards of Guardians and Grand Jurors, were at one stroke swept away by the Act of 1880 for the Amendment of the Relief of Distress Act, so that there remained nothing between the taxpayers and any amount of jobbery that might take place under this

clause. With regard to what had been said by his hon. and gallant Friend the Member for Galway (Major Nolan), he knew that this was a question about which they had an old dispute; but he would remind the hon. and gallant Gentleman that when Parliament was passing the amended Act, it had carefully scheduled the Railway Companies, while they were now asked to open an unlimited field for jobbery without scheduling any Companies whatever. And he would also remind the Committee that the guarantees were to be confined to the next four years, and would, in all probability, be granted before the County Government Bill, which he hoped the Government would bring forward at some time or other, was likely to be passed.

MR. GLADSTONE: This is one of those cases in which we have to lament the absence of really representative Local Government Boards. Perhaps, at the time this Bill was framed, we may have cherished the hope that it might have been in our power to propose a scheme of that kind with a prospect of carrying it in the present year. Any hope of that kind, however, has now vanished into thin air; and, therefore, I am bound to say that this provision of the Bill is no longer defensible. Consequently, I will accede to the Amendment.

MR. O'CONNOR POWER wished to express his great regret that the Prime Minister had accepted this Amendment. The hon. Member for the City of Cork (Mr. Parnell) pointed out that the Bill scheduled certain districts in reference to railway purposes, and in conjunction with baronial guarantees. During the discussion of the Bill he had been constantly receiving letters from his constituents in the County of Mayo, asking him to get as many railways as possible scheduled. He might mention one name that was well known to many hon. Members—Dr. McCormick, the Bishop of Achonry. That right rev. Prelate was in the House that night listening to the present discussion, and he had not changed one iota of the opinion he had originally formed, that it would have been better for Ireland if a larger number of railways had been scheduled and had been in a position to enter upon works of construction. He wished to know whether the right hon. Gentle-

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man the Prime Minister would be in a position next year to bring in a Bill to empower County Boards to spend money for these purposes; and he would also ask why they should hesitate to lend money to bodies which were not wholly representative? He was in favour of encouraging everybody in Ireland to do all that was possible in favour of developing the resources of the country; and the localities should have facilities for applying to Parliament, from time to time, for aid in doing that which they were willing to do for themselves if they only had statutory powers. He warned the Prime Minister that if he made concessions of this kind he would be entailing on himself an accumulation of labour hereafter in the direction of some such provision as that which it was proposed to omit from the Bill. The opposition of his hon. Friends to the proposition of the hon. Member for the County of Galway would not be endorsed by the Irish people, and he regretted to see them persist in obstructing the industrial development of Ireland.

COLONEL COLTHURST said, he concurred in the views expressed by the hon. Member for Mayo (Mr. O'Connor Power). The hon. Member for the City of Cork (Mr. Parnell) took the same course last year in objecting to these powers being given to Presentment Sessions, and the result was that some Railway Companies were not scheduled, and several most useful works were left out. He was of opinion that the carrying out of a scheme of arterial drainage would benefit the country generally, and he might remind the Committee that the baronial sessions never erred on the score of extravagance. It had always been a most parsimonious body, and anyone who took the trouble to investigate their transactions during the last few years would find that the last thing they could be fairly accused of was extravagance. He, therefore, very much regretted that the right hon. Gentleman should have given way to the opposition of hon. Gentlemen who professed exclusively to represent Irish interests. The proposal was one which was calculated to benefit Ireland generally, and he was very much surprised at the course which had been taken.

SIR JOSEPH M'KENNA said, the hon. and gallant Member who had just spoken on behalf of the County of Cork

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(Colonel Colthurst) assailed the position which had been taken in this discussion by the hon. Member for the City of Cork (Mr. Parnell). He thought nothing could be more unfair. He (Sir Joseph M'Kenna) had himself spoken before the hon. Member for the City of Cork took part in the debate; and he was perfectly convinced that all the observations which had since been made as to the importance of retaining these words were mere "bunkum." Nobody would suffer by the omission of the words, and he was in favour of their omission, because he believed that the right hon. Gentleman the Prime Minister, who had taken such pains in regard to the Bill, could not retain words so ineffective and so utterly unwarranted.

MR. O'CONNOR POWER said, he was very reluctant to detain the Committee; but he thought the observations of the hon. Gentleman who had just sat down required one word of comment. So far from the resolutions of the baronies being looked upon with indifference or as a dead letter, only a few days ago he had received a letter from his constituents asking him to leave his duties in Parliament in order to take part on the Grand Jury at Castlebar, the capital of his county, in supporting a proposal of this kind. He appealed to the hon. Member for Youghal (Sir Joseph M'Kenna) whether that was not a sufficient justification for the protest he had made.

Question put, and *negatived*.

Amendment *agreed to*.

MR. LITTON moved, in line 26, after the word "section," to insert—

"Provided that such advance to any company shall be made subject to such conditions as the Board of Works shall impose for the sale or letting of the reclaimed, improved, or drained lands, so as to promote the creation of occupying proprietors."

He had made one or two alterations in the Amendment as it appeared on the Paper. He had left out the words "upon the Commissioners" after the word "impose," and he had substituted "Board of Works" for "Land Commission," and "occupying proprietors" for "yeoman proprietors."

Amendment proposed,

In page 17, line 26, after the word "section," insert "provided that such advance to any company shall be made subject to such conditions

as the Board of Works shall impose for the sale or letting of the reclaimed, improved, or drained lands, so as to promote the creation of occupying proprietors."—(*Mr. Litton.*)

Question proposed, "That those words be there inserted."

**MR. GLADSTONE:** I must point out to my hon. and learned Friend the position in which the matter stands. It is not as if we were in circumstances where we had a great rush of Companies wanting to occupy the ground for the purpose of reclaiming land in Ireland, so that, with full knowledge on our part, we could impose conditions on them. The great doubt in my mind is whether the Companies will be forthcoming. We hope they will; but it makes it no slight matter to interpose any obstacle in their way. Can we expect that any Company will undertake any portion of this work subject to the absolute discretion of the Land Commission as to the mode in which it is to deal with the land in the reclamation of which it has invested its capital. The insertion of this provision would, I think, render it hopeless to get Companies to undertake the work, nor do I think the Proviso at all necessary. If the Companies come, and if they reclaim the land and provide a new field for capital and industry in the work of agriculture, they would do an immense amount of good in whatever way they let or sell the land. Another reason which induces me to believe that it is unnecessary is that I think Companies of this kind are essentially commercial undertakings quite unlike the case of the Companies in the North of Ireland, which have no commercial elements. If they come into existence they will come into existence with commercial aims, and it would be their desire to convert their capital into improved land in order that they may turn it over in fresh enterprise.

**MR. LITTON** said, that, under the circumstances, he would not persist in the Amendment.

Amendment, by leave, *withdrawn.*

On the Motion of **MR. TOTTENHAM**, Amendment made, in page 18, by omitting sub-section 4.

**MR. D. GRANT** moved, at the end of the clause, to insert—

"That it shall be within the powers of the Land Commission to purchase, for the purposes of

reclamation, such estates as may seem to them suited for the purpose, such lands to be reclaimed by the officers and agents of the Land Commission, and, when reclaimed, to be re-let with power of purchase by the tenant."

There seemed to be a fear on the part of the Prime Minister that the Companies would not be forthcoming.

**THE CHAIRMAN:** The hon. Member proposes in the Amendment that "such lands are to be reclaimed by the officers and agents of the Land Commission," and when reclaimed to be re-let. That proposal is irregular, as it would involve the expenditure of money.

**MR. D. GRANT** said, he had consulted the right hon. Gentleman the Chairman of Ways and Means before he moved the Amendment, and understood that it would be in Order.

**THE CHAIRMAN:** The hon. Member certainly showed me his Amendment, and asked me if the words giving power to the Land Commission to purchase were in Order. I did not observe at the time that it was to be a compulsory power.

**MR. D. GRANT** said, he did not propose that the power should be a compulsory one.

**THE CHAIRMAN:** The point is not that it is a compulsory power, but it gives power to the Land Commission to spend money.

**MR. D. GRANT** asked if he was to understand that the Amendment was irregular?

**THE CHAIRMAN:** Yes; I cannot put it.

**DR. LYONS** moved, in page 18, at the end of the clause, to add—

"(5.) The Land Commission may from time to time purchase such waste, semi-waste, or uncultivated lands, as to them shall seem fit, apportion them in such lots as they deem suitable, and may let or sell such lots to persons of approved character, and competency, and may advance to such tenants or purchasers such sums per acre as may in the opinion of the said Commissioners be adequate and proper, either in bulk sum or by annual instalments for the due reclamation of such waste lands. All sums so advanced to be secured upon the lands in such manner as the Commissioners shall determine, and to be made repayable, as hereafter set forth in regard to other advances under this Act."

The object of the Amendment was to empower the Commissioners from time to time to purchase such waste lands as they might think fit, and let or sell them on terms to be agreed upon and in conformity with the general provisions of

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the Act. In placing such a power in the hands of the Land Commission, he had in view a further object—that of enabling the Commission to carry out what he believed would be found, on reference to a subsequent clause, a most important, necessary, and desirable provision—namely, to enable them to offer allotments to such persons as they might induce to go from over-crowded localities in which there was a congested population. It had been stated that the Bill as yet contained no provision for dealing with the localities in which, as was recognized on all hands, there was a congested mass of the population, and this Amendment did provide such a scheme.

THE CHAIRMAN: Order, order! I must point out to the hon. Member that he is proposing that the Land Commission shall advance money for the purpose of purchasing reclaimed land. The Board of Works, under various statutes, has that power; but the Land Commission has no such power, and it can only be given through the Board of Works.

DR. LYONS said, he had been about to mention that, in consequence of the alterations in previous clauses, it might possibly be held as an objection to the Amendment that it proposed to give the power to the Land Commission. He would, therefore, after the intimation of the Chair, propose, with the permission of the Committee, to substitute the Board of Works for the Land Commission. So far as he knew, no power that was exactly of this kind existed in the hands of the Board of Works at the present moment; and he desired, through the operation of the Land Commission, instigating the Board of Works, or through the Board of Works itself, to give the power to provide allotments on which persons would be induced to settle from the congested parts of the country. He believed this to be one of the most important, as well as one of the most necessary, operations to be carried out under the Bill, if they desired a real practical amendment in the condition of things in certain localities which need not be specified, but which, on all hands, were admitted to be over-stocked with population. Unless something of an effective kind was done to remove this population, he believed they would only go on, generation after generation, becoming

year by year worse and worse. He had two subsequent Amendments on the Paper; but he only alluded to them now for the purpose of illustration and not of discussion. Their object was to enable the Board of Works to purchase out these tenements throughout the country, and by the present clause to provide localities into which the surplus population of the congested districts might be induced to transfer themselves when liberated from localities they now occupied. It might interest the Committee to know that the subject of the waste lands of Ireland had occupied the attention of the Government of this country even from a date prior to the existence, in its present shape at all events, of the House of Commons. The House came into existence in 1265; but so early as June 11, 1250, King Henry III. had issued a mandate to Luke, Archbishop of Dublin, Maurice Fitzgerald, Peter de Birmingham, and others, to impart their counsel, under seals to the King, whether it was more expedient to settle and cultivate *hospitari et excolere* the King's waste lands in Ireland or to let them to the men of Ireland. It was not easy to ascertain what action was taken on this mandate; but in the following year, July 25, 1251, a mandate was found to have been issued to the Justiciary of Ireland to provide Thurston de Pierrepont with 10 *librates* of foreign waste lands there which he caused to be inhabited; he to render to the King such service as the Justiciary should think proper. These citations, with others which he (Dr. Lyons) did not think it necessary to trouble the Committee further at present, showed that at even this early date the importance of the subject of the waste lands of Ireland had been fully recognized. In more recent periods inquiry had been repeatedly directed to the matter. The two Amendments which stood in his name upon the Paper, in reference to a subsequent clause of the Bill, provided that tenants of small holdings under 10 acres might sell their holdings to the Land Commission or the Board of Works, and authorized advances to be made to assist them in migrating elsewhere. The object of that provision was to enable the Land Commission or the Board of Works to offer to the occupiers in the over-crowded populations inducements to give up their holdings

Dr. Lyons

and seek elsewhere in Ireland a position in which they could better maintain themselves. He begged to move the Amendment.

Amendment proposed,

In page 18, at end of clause, add—" (5) The Land Commission may from time to time purchase such waste, semi-waste, or uncultivated lands as to them shall seem fit, apportion them in such lots as they deem suitable, and may let or sell such lots to persons of approved character, and competency, and the Board of Works may advance to such tenants or purchasers such sums per acre as may in the opinion of the said Board of Works be adequate and proper, either in bulk sum or by annual instalments for the due reclamation of such waste lands. All sums so advanced to be secured upon the lands in such manner as the Board of Works shall determine, and to be made repayable, as hereafter set forth in regard to other advances under this Act."—(*Dr. Lyons.*)

Question proposed, "That those words be there added."

MR. O'CONNOR POWER hoped that the right hon. Gentleman the Prime Minister would give a favourable consideration to the Amendment. He thought enough had been said about the difficulty of inducing Companies to come forward, and the views of the Government themselves were not such as to lead to a sanguine anticipation that very much would be done in that direction. The Committee had been told of various reasons which private Companies might have for not embarking in a work of this kind. They might not have sufficient security, and anyone who had any idea of the prospective agriculture of the country would be aware that it would require considerable inducement to induce men to enter into agriculture at all. The American competition was so keen that unless the conditions were very favourable they were not likely to prosecute the work of agriculture with success. Unless they set themselves face to face with this difficulty, that they would either see Ireland turned into waste, and the labour of the Irish people directed into other channels, or they would see the only agents by whom they could hope to realize the prosperity of any country sent away to build up an empire over the sea. From all the Prime Minister had said, he was sure the right hon. Gentleman was not satisfied with the provisions already made for the promotion of agriculture in Ireland; and he therefore trusted that the right hon.

Gentleman would accept the Amendment now proposed by the hon. Member for the City of Dublin (*Dr. Lyons*). The objection which he had pointed out to this clause on the second reading of the Bill was an objection founded on the working of the "Bright Clauses" of the Land Bill in combination with the working of the Church Temporalities Commission. The Church Temporalities Commission had succeeded in establishing 6,000 peasant proprietors—and why? Because it was the business of someone to see in that case that negotiations were entered into for the purchase of estates in the interests of the tenants. But the "Bright Clauses" of the Land Act of 1870 had remained a dead letter, because it was nobody's business to undertake similar negotiations; and under the present Bill, as it stood, it would be nobody's business to go out into the waste lands and see that they were brought into a state of cultivation, and that people were induced to go upon them. He thought the most cruel thing the Government could do would be to raise expectations on the part of the people which they were not prepared to fulfil. Therefore, if they proposed that there should be any reclamation of waste lands at all, let them set about it in a business-like fashion, and fix upon some persons with practical skill who should look after the matter. If that could be done in India without involving a heavy expenditure, he saw no reason why it should not be done here, and why they should not adopt the Amendment for the purpose of interesting the people of Ireland in the development of the resources of the country. He was glad to see that the right hon. Gentleman the Chief Secretary was now in his place, because he believed the right hon. Gentleman had said that the effect of the clause would be to provide a practical remedy for the evils of a congested population in Mayo and other parts of the country. Hitherto, from the county of Mayo they had been in the habit of exporting to the work of the English harvest something like 15,000 or 20,000 labourers every year. That was at a time when the agricultural interests were prosperous in England. But what were the facts now? If the agricultural resources of Mayo were properly developed, as they might be under a provision of this nature, they could find profitable em-

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ployment for every one of the labourers in that county. They had in that county at least 400,000 acres of land that might be profitably cultivated, not according to the system of hired labour in England, but according to the Irish system of cultivation, where the tenant's little boy or girl, on the way home from school, could bring in the cows, and feed the ducks. Upon every reason of State policy he recommended that some provision of this kind should be introduced into the Bill, and he earnestly solicited the favourable consideration of the Prime Minister to it. If there happened to be any technical defect in it, which he confessed he was himself unable to see, he trusted that the right hon. Gentleman would not throw it overboard with a wave of his hand, but that he would look upon it as a matter which, from time to time, had been pressed upon successive Governments, and which was never more worthy of serious attention than at the present moment.

MR. GLADSTONE: It is with concern and even melancholy I observe that the greater the extension we can give to the scope of the Bill the greater become the demands which are made upon us. We have given to-night a large extension to the Bill in a matter which is of advantage to the tenant. In regard to the purchasing part of the Bill, I have thought that we were undertaking an extremely bold operation indeed. I certainly think we are undertaking an extremely bold operation in saying that we will go out into Ireland and, without fixing any positive limit to the operation, buy land for the purpose of re-selling it to the tenants if the tenants are willing to take it. There are, however, limits to the embarrassments of proprietorship in which it is undesirable that we should involve ourselves, and the extent of the operations we propose to undertake are limited by the Bill. What has taken place to-night? Hon. Members who have spoken seem to think there are very little hopes, or none at all, that Companies will undertake the reclamation of waste land. [Mr. O'CONNOR POWER: I did not say that.] But the hon. Member appeared to think that therein lay the strongest argument in support of the proposal that the reclamation should be undertaken by the Government—that is to say, that the Government should undertake an indus-

trial operation which ought to depend on the profits it will realize, and in respect of which the opinion entertained is so unfavourable that, practically, there is only the slenderest hope that the expectation of profit will induce private persons to come and do it, although private persons would carry the work into effect with the utmost economy, and, therefore, with the largest possible profit. Hon. Members think, therefore, that this is an occasion to say it is right that that which private persons will not undertake shall be undertaken by the Government, whose operations in such a matter never can be economical. I am very sure that the provision which it is proposed to add to the Bill would be an enormous extension of the scope of the measure, and an extension which, if we were to adopt it, would render it extremely difficult to put a limit to the operation. A case of the purchase of estates is a natural operation, in the willingness and ability of the tenants to become proprietors; but in this case, as long as there were any waste lands existing in Ireland, a resistless pressure would be brought to bear upon the Land Commission, and it would be almost impossible for the Commission to know why they should purchase in one district and why not in another. On the one hand, it would be an indefinite operation, or, on the other, there would be incessant discontent and murmuring. Is it, then, really a rational undertaking on the part of a Government to invest the proceeds of the taxes of the people in an endeavour to reclaim waste lands? Are we justified in taking action for such a purpose? You have just cast out of the Bill a provision which, in the mildest form, offered a voluntary opening for the voluntary action of the local authorities of Ireland. The great majority of the House was opposed to that provision; and having, in that way, recognized the incapacity of local bodies, with full knowledge of the facts, to deal with the question of reclamation, you now say that the taxes of the people levied by the Government are to be expended through the Land Commission in assuming these functions. What is to be done? The Land Commission is to buy these districts of waste land; and, having bought them, is to find people to settle upon them. Where is it to find them? Is it to send out agents? It is admitted that

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they are not to be found on the spot. The hon. Member for Mayo says they are not to be found in Mayo for the waste lands there.

MR. O'CONNOR POWER: I said exactly the contrary.

MR. GLADSTONE: I understood the hon. Member to say there are none to be found in the local market.

MR. O'CONNOR POWER: Plenty.

MR. GLADSTONE: I gathered that they were to be brought upon the land; but that they were not already upon the land, and had no interests there. But they are to be made acquainted with what is going on; and the land is to be mapped out for them. And then, having no interest in the land, because a tenant's interest in a waste is worthless, the Board of Works is to make them such advances as they think proper for the reclamation of these waste lands. Having undertaken a rash and unprecedented purchase, you are to give effect to such purchase by making advances upon a basis of nullity, because nullity is the basis which would be afforded to you by the tenant's interest in waste land, because they will have acquired no interest, and nothing ostensible that they can carry into the market; and yet you require that the public is to provide for them the means of reclaiming the land. Is that a fair and a legitimate use for us to make of the resources placed at our disposal as stewards of the funds we extract from the labour of the people of this country? I think not. I cannot see my way to embark in these functions. I know not what the view of the Committee may be; but I feel deeply the responsibility we have already undertaken. I cannot use too strong language in the statement of those responsibilities. It has required motives of the utmost urgency to induce me to touch with my little finger such subjects. We have gone great lengths; but this further advance is an enormous stride, far outside anything we have hitherto contemplated; and I confess that I have not the resolution to attempt it.

MR. MITCHELL HENRY said, he fully admitted that this was an important substitute for that which he believed to be the right way of dealing with the subject. But, on making a few remarks upon what had fallen from the right hon. Gentleman the Prime Minister, he wished to ask the right hon. Gentleman

this question—Were there no such things as public works in India? What was the reason that the State was induced to undertake public works in India? They undertook public works in India because there existed a starving population, and there was nobody else to do the work. That was precisely why he had always advocated the undertaking in a reasonable manner of public works of reclamation in the West of Ireland. It did not at all follow that the formidable picture which the right hon. Gentleman drew of the liabilities which would fall on this country was a true picture. No one would suppose for a moment that all the waste land in Ireland could be purchased. All that was proposed was this—that as it was notorious that in one particular part of Ireland there was an immense congestion of the starving population—seeing that vast quantities of unreclaimed land existed that were perfectly capable of being converted into excellent agricultural land, all that was asked was that the Government should purchase some portions of these waste lands, and should undertake the work of reclaiming them, either directly themselves, or by contract with others, or by giving facilities to some portions of that starving population, who would continue to starve, in spite of their Land Bill, if they did not do this. What he had often proposed to the right hon. Gentleman—and he believed that he had very much wearied his right hon. Friend in private—was that he should devote a reasonable sum of money to the improvement of the condition of Connemara. He believed a considerably less sum than £200,000 would do all that was necessary in the way of purchasing land; and such land, when purchased, could be reclaimed by the State in the way in which he had personally been able to reclaim a small tract, both with profit and advantage. When the land was reclaimed by the labour of the starving population, it could be let out to them in suitable farms of 20, 30, or 40 acres, at a rent which should represent, not merely the capital sum, but also the interest of the money expended in reclamation. He could show by document, which nobody had ever attempted to confute, that the land could be let at 10s. an acre, and that in the course of a very short time it would be worth 20s.

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an acre; so that the people placed upon it would not only be able to pay their rent, but repay, by the simple operation of a sinking fund, the advances which had been made them. He heard an hon. Gentleman behind him ask what the Government had to do with it. He would tell the hon. Gentleman what the Government had to do with it. At this moment, in consequence of the condition to which Ireland had been reduced, they had one-half of their entire Army in that country, and they were unable to enter into any European combination because they had to intimidate a starving population. There would be no difficulty in entering into small public works in the West of Ireland, which would give employment to the starving population, and which, when properly carried on, might easily provide a sure source of livelihood for the people, and prove a gain to this country. The Government would be able to withdraw their Coercion Acts and their soldiers and enormous army of police; and he told the House solemnly that the cause of discontent in Ireland was misery and starvation. The people would not put up with the diet they could gather on the seashore, and with habitations in which Members of that House would not keep their hounds. These things had been demonstrated over and over again, and evidence of the most extraordinary character came from every quarter. It had been shown by every newspaper correspondent, and every philanthropist who had visited Ireland during the last crisis, and by abundant evidence before the two Land Commissions; and although he felt grateful to the Prime Minister for what he had done for the rest of Ireland, he was convinced that unless the Government dealt with the West of Ireland the Land Bill would not be worth the paper it was printed on.

MR. FAY thought a great deal of time had been lost by turning on side issues, and the question now being discussed was a side issue. It would be a far better subject for a Bill on its own account; but a great many subjects had been introduced which merely added obligations and difficulties without advancing the Bill in its proper onward course. He thought the Irish Members should be ashamed of much that had been said that evening, especially the vulgar abuse

of the Chief Secretary; and, as an Irishman, he protested against it, for he had that day felt more shame than he ever experienced before. The Amendment, he thought, was entirely outside the scope of the broad principles of the Land Bill, and his recollection of Professor Baldwin's suggestion was not in that direction at all. That suggestion was that if any advances were made for reclamation, they should be made for the employment of imported farmers or labourers, who should receive Government wages, bring the land into reclamation, and ultimately be allowed to purchase the farms. Such a suggestion could be carried out more ably by a Company than by a private body, and he believed that Companies would spring up under the influence of the Bill. Land Banks would, he expected, spring up in all directions; but the present Amendment would render the Bill a Parliamentary abortion, and he should, therefore, support the Government.

MR. T. P. O'CONNOR observed, that the Prime Minister appeared to have two minds as well as two Offices. As Prime Minister he was desirous of being generous; as Chancellor of the Exchequer he put a tight grasp on the money bags. The right hon. Gentleman reminded him of the Chancellor in "The Merchant of Venice," who said first—"Oh, my daughter!" and then "Oh, my ducats!" That was just the Prime Minister's attitude with regard to the Irish Land Bill. The right hon. Gentleman spoke of this suggestion as being of a model character; but the few Irish Members who took part in the long and dreary discussion on the second reading of the Bill urged the necessity of making some such provision. In that discussion he had said that the scheme, with regard to reclamation, had the vital defect of making no such provision. What was the meaning that underlay the action of the Government on this question? The right hon. Gentleman did not avow what the real meaning was; but he (Mr. T. P. O'Connor) would explain it. The Government did not want migration, but emigration, and they would not have the slightest objection to advancing money to drive the people to Canada or other parts of the British Empire. Migration was only to act as the step-sister of emigration, and the Government only wanted to get rid of

*Mr. Mitchell Henry*

what they considered disturbance in Ireland by sending the disturbers out of the country. The Irish Members, however, wanted to keep their people at home, to improve their land and not the land of Manitoba, New South Wales, and other countries. There was plenty of land to be found, although the Prime Minister had said it would be necessary to make a voyage of discovery to find it. There were many acres of land in Mayo which were a monument of disgrace to British rule. The hon. Member for Cavan (Mr. Fay) objected to the Amendment; but if that hon. Member had been present during the consideration of the 1st clause of the Bill, he would have known that "a person of good character" was one of the provisos which the ingenious mind of the draftsman had introduced into that clause. What security did the Chancellor of the Exchequer ask for the money that was to be advanced? Did anybody suppose that 28 acres of land or 40 acres of land, if they were given to the agricultural labourer, who was willing to come from Ireland to England or Scotland to get the means of paying his rent, would not in two years' time be put into a condition which would be ample security for the small advance? If the Prime Minister had read the evidence of Professor Baldwin, he would have seen several cases in which land had been given at no rent, or at a nominal rent, to agricultural labourers, and which in the course of a few years had been made fertile and fruitful, and the tenants had in the end been willing to pay as much as 10s. and 15s. an acre rent. He perfectly understood why the Government would not accept the Amendment. They wanted to get rid of the people of Ireland, and to exile the population of Mayo and other portions of Ireland which they considered were disturbed; but he would advise the hon. Member for Dublin (Dr. Lyons) to proceed further in this matter until he got a satisfactory answer from the Government. Upon this question the whole of the Irish Members were united, and they would help the hon. Member with such persistence and firm adherence to the Amendment as might seem well to them.

LORD JOHN MANNERS said, he thought the scheme which the hon. Member for the County of Galway (Mr. Mitchell Henry) had brought under

notice was a very practical one, and would, no doubt, work out well. But the hon. Gentleman spoke with great authority on such a subject, and what he had said was well worthy of consideration. That was not the scheme which the Committee were discussing on the Motion of the hon. Member for the City of Dublin. The proposal before the Committee simply was that the Government should become land-jobbers for uncultivated or waste lands. They were not to cultivate the land; but they were to buy it, and then let it to anybody who could be got to take it. That, he thought, was a very hopeless way of dealing with a great question; and upon that ground, while he should be quite prepared to give every consideration to the scheme of the hon. Member for Galway, he could not support the Amendment.

MR. DAWSON said, that, according to the Report of the Devon Commission, there were at present 326,000 occupiers of land whose holdings varied from seven to one acre, and which were quite inadequate for supporting a family. It was computed that by a consolidation of all holdings up to eight acres 500,000 labourers, equivalent to 2,500,000 of population, could be provided for, and, by the reclamation of waste lands, £20,000,000 would be added to the value of the products of the country. When they were talking about periodical panics, was it not right that they should be struck by a proposal which would not only remove the lamentable state of things in Ireland, but add to the wealth of the nation? A great deal had been heard from the Prime Minister about the English taxpayer; but Ireland did not want English gold; they wanted to nerve and strengthen the right arm of the Irish labourer with a sense of security, so that he should not be beholden to England. He was sure the Prime Minister, whose objects and whose intentions in the Bill were manifest, would not lose this golden opportunity of settling this vexed question; and he asked him to allow the Irish labourers to get the little modicum of capital necessary to work the land. It would be ample security to pay the State and to pay for the men's families.

MR. PARNELL said, the question of removing the congested population was one of the six most important points in connection with the whole Bill. The

suggestion made by the noble Lord upon the Front Opposition Bench was an important one; and if the Amendment of the hon. Member for Dublin (Dr. Lyons) could be modified in such a way as to earn the support of the noble Lord, he was sure his hon. Friend would be willing to modify it in that direction, provided the objects of his own Amendment were not sacrificed. But the discussion had commenced at a late hour, and a great deal might be said in favour of the proposal more than had been yet said; and, as the question was deserving of the greatest consideration from the Government, and was one in reference to which they might come to some compromise in the direction indicated by the hon. Member for Galway and by the noble Lord (Lord John Manners), he hoped the Government would allow the question to be further considered to-morrow, especially as there were several Amendments, including one by himself, which, of course, would be put out of the way by a hasty disposal of the Amendment at present before the Committee. The postponement of the matter until to-morrow might enable the Government to agree to some compromise; and he, therefore, would move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

Mr. GLADSTONE said, he hoped the hon. Member would not press his Motion, for this was the 24th day of this Bill, and the whole business had been postponed to enable Irish measures to pass. This clause was begun on Friday, and now the hon. Gentleman said he would not allow the Bill to proceed.

Mr. DALY said, that he was as anxious as the Prime Minister that the Bill should pass; but if the House legislated for a country, let them not in any foolish haste hurry over a matter of such importance as this. It would be impossible to give a satisfactory decision upon this clause without a debate of three or four hours; and was it fair to ask the Committee to enter upon such a debate after 1 o'clock in the morning? An opportunity for reflection would be of great advantage, for the Government might see their way to agreeing, in some measure, to the proposal of the

noble Lord (Lord John Manners). He believed that if the Prime Minister and his Colleagues would give a couple of hours' serious thought to the question of how they could advance the views of the hon. Member for Dublin without prejudice to the taxpayers they would be able to make some concession. The Government were prepared to spend money in promoting the emigration of Irish people to British Colonies; but every man, woman, and child deported from Ireland represented a customer less for England's manufacturers. If they used the money of the British taxpayers as proposed by the Amendment, they would recoup themselves by keeping their customers in Ireland at home. From another point of view, it would be better to adopt the proposal, for it would pay better to get rid of the soldiery and police in Ireland; to imprint on the Irish people the impression that they were treated as the English people were; and if Irishmen were allowed to settle on these holdings, they would become the most law-abiding people to be found in any country. Not more than a few hours' debate would be required further, and he appealed to the Prime Minister to agree to the postponement suggested.

SIR STAFFORD NORTHCOTE: Before we decide, I think it would be very convenient for the Committee to know what the intentions of the Government are with regard to the other clause which forms part of the Bill. This part of the Bill has reference to reclamation of land and emigration, and there can be no doubt that there is a very great connection between those two clauses. A rumour has spread—I am not able to say whether it is well founded or not—that it is not intended to proceed with Clause 26; and I should like to know what the intentions of the Government are.

Mr. PARNELL wished to suggest that the Emigration Clause should be postponed till the end of the Bill. The question of emigration would tend to very considerable discussion; but that would be very much facilitated by the result of the deliberations of the Committee on the questions of arrears and labourers, for, of course, the principal arrears were those of small tenants, who would be the most likely to take advantage of the Emigration Clause.

*Mr. Parnell*

Mr. ONSLOW said, he hoped the right hon. Gentleman would reconsider his decision as to reporting Progress. The subject upon which they were engaged was one in which all the Irish Members took much interest, and it could not be disposed of that night.

Mr. MACDONALD said, he had not hitherto interposed in the discussion, and had every desire to facilitate the progress of the Bill; but he now rose for the purpose of requesting the Prime Minister to consider not only the postponing of this Emigration Clause, but the advisability of letting it fall out of the Bill altogether. He strongly advised the right hon. Gentleman to the latter course. He was perfectly certain that its discussion would occupy a very long time indeed, and, if passed at all, it would be a most unsatisfactory clause in the Bill, and be the promotion of no service to the Irish people whatever. If there was one part of the Bill that ought to be thrown out, it was this Emigration Clause.

Mr. CHAPLIN hoped the Prime Minister would not think of following the advice just given; and, with all respect, he thought it was not in the power of the right hon. Gentleman to do so. When this discussion first commenced in Committee, he (Mr. Chaplin) moved that the first part of the Bill should be postponed, that the Committee might consider at once the most important part of the Bill contained in the remedial clauses. The right hon. Gentleman refused to accede to that, and he gave the Committee most distinctly to understand that the Government regarded the Bill as a whole, and drew no distinction between the parts, as being of more or less importance.

Mr. GLADSTONE said, with regard to the Motion for reporting Progress, he would not press resistance to the Motion, seeing where the hands of the clock had reached (5 minutes past 1). With respect to what had just fallen from the hon. Member for Mid Lincolnshire (Mr. Chaplin), he did not think he had quite accurately described the statement made in the earlier stage of the Committee. Most undoubtedly he stated that, in comparing that portion of the Bill which related to landlord and tenant with that which related to the purchase and sale of estates, that these were portions in which the Government

drew no distinction, in point of importance, that they regarded the Bill as a whole, and intended to pass it as a whole. He spoke of the main leading portions of it. He did not see the very great connection between the questions of reclamation of land and emigration, and never thought of placing either of these last in the same rank as those parts of the Bill relating to landlord and tenant and the purchase of estates, though they were important parts of the Bill, and proposals he believed highly beneficial, and he hoped the Government had not shown any disposition towards persistent opposition to Amendments proposed, nor, on the other hand, had shown levity in departing from anything material. With regard to emigration, there had been no change whatever. What rumours might have been circulated within the last few days he did not know; but he stated, with regard to this clause dealing with emigration, in his opening speech, with moderation, undoubtedly with no inflated expectations, that it was the intention of the Government to let this clause come on and to hear the opinion of the Committee; and he said, on this and on the question of reclamation, that, setting aside the obligation the Government must have to keep in mind the interests of the taxpayer that any general view of a majority of the Irish Members would constitute a great element in the Government judgment of the case. That was all he had to say in relation to it; and he could not, therefore, meet the desire of his hon. Friend the Member for Stafford (Mr. Macdonald). The hon. Member for Cork City (Mr. Parnell) had stated that he thought the Emigration Clause might, with advantage, be postponed, and the reasons for that he had, no doubt, stated in good faith regarding other important matters to be disposed of. He did not know whether it would be most convenient; but he hoped that if they met the hon. Member on this question they might part with the 25th clause to-night. That, he trusted, he might expect, and that, he thought, was a fair proposal.

Mr. PARNELL thought the right hon. Gentleman had rather misinterpreted his intention in moving to report Progress. There were many Irish Members who had not spoken on the question of reclamation, or rather of migration,

a subject of very great interest, especially in connection with the Western counties, and there was the wish among these Members to have the opportunity of putting their views before the Committee to-morrow, but not at any great length; and if Progress was reported there was no intention of carrying the discussion to an unreasonable length. Really he did not think such a condition should be attached as would preclude the claims of those who had something to say on the Migration Clause.

Mr. R. POWER said, that he had an Amendment to leave out Clause 26, and would now only say that his conduct in future would be greatly guided by the action of the Government in relation to that clause. He thought it would be wiser for the Government, and better for the progress of the Bill, if the Committee went on in the ordinary manner, taking the clauses and Amendments as they stood, and not postponing them. For his own part, if the Government insisted on inserting Clause 26, that would materially alter his position towards the Bill. If the clause were inserted it would do away with any little benefit the Bill might contain. He would very much like to know what was the position of the Government towards the Emigration Clause. If they meant to retain it, it would be the duty of some of the Irish Members to take up a certain position towards the Bill; but if they meant to leave it out he, for one, would be most happy to do anything to support the Government in passing the Bill.

Mr. O'CONNOR POWER said, he understood the Prime Minister to accede to the Motion to report Progress, and the moment the right hon. Gentleman made the announcement there was an exodus from all quarters of the House, and a very large number of Members had left under the impression that there was no contention of the point. The Motion was made on strong and intelligible grounds. The Committee were debating a most important point in connection with the clause; but it had only been reached an hour before. The question of administration by the Board of Works had occupied hours, of which nobody complained; but when they reached a more important part of the clause they were told that an hour was enough to dispose of it. Now, that was not sufficient. The feelings of the Irish people

of all shades of parties had not yet found a voice, and he trusted that Progress would be now reported, that they might have some opportunity of fully stating their views.

SIR STAFFORD NORTHCOTE said, the Prime Minister had said there was no great connection between the two clauses; but they were connected, and he would say so on these grounds. As he understood it, the great difficulty in Ireland was the earth hunger arising from the inadequacy of the supply to meet the demand. These two clauses dealt with two different sides of this problem—the clause upon which the Committee were engaged was to increase the supply of land by reclamation or otherwise, whilst the clause to follow was one to relieve the demand in certain cases by providing other means for acceptance by those who cannot find a living on the soil. The hon. Member for Galway (Mr. Mitchell Henry), who spoke with great knowledge of the subject and practical acquaintance with that part of the county where the difficulty more greatly existed, told the Committee what had been said by Reports of Commissions and otherwise, that in the West of Ireland the population was greater than could be maintained on the soil such as it was, and he recommended reclamation on a large scale, and through Government assistance. On the other hand, others said that it was impossible for the people to live on a soil incapable of supporting them, and they must be emigrated elsewhere. Hon. Members must then take the two clauses together; if they took emigration then they had less difficulty with the other case, and if they provided a sufficient system of reclamation and migration, possibly emigration would be less necessary; but they must deal with the two together. He must say he thought the Government would give the Committee a good deal of cause to complain if they withdrew, or even postponed, unnecessarily, the important clause relating to emigration. He could see no reason for its postponement, except as a preliminary to its withdrawal, and if that was intended the Committee should be made aware of the intention. The clause came in its natural place in connection with the Reclamation Clause, and the Committee had a right to ask that it should be proceeded with in its proper order.

*Mr. Parnell*

Mr. MITCHELL HENRY said, he agreed that the Emigration Clause and the Migration Clause went together. That the subject had not been discussed was no fault of his, and he had hoped that the Government would take it up, and thought he had good reason for the hope. But what had happened was this—the Chairman ruled his Amendment, which would have brought the subject forward in a prominent manner, out of Order. That judgment he had no right to question, and the matter, therefore, was only raised indirectly. It was, nevertheless, of the utmost magnitude, and it was quite impossible to exaggerate the importance of it. After every famine in Ireland, they had proposals for public works. Sir Robert Peel proposed them, Lord Russell, and so did Lord George Bentinck, as the Committee well knew. But after the proposals there came a good season, a good harvest or two, and the whole subject was dropped, and now things remain in a chaotic state, and we present this disgraceful spectacle to Europe, of a large portion of Her Majesty's Dominions in Ireland on which the people live more shockingly than in any part of Europe. Now the opportunity offered of dealing with this state of things, and the Government were going deliberately to shirk the question. If they did this, what would happen hereafter? In three or four years bad harvests would again come round, and the whole case would come again before Parliament with aggravated force. Let the Government remember that whatever there was of complaint on the part of many tenants, complaints that might seem to them unreasonable, they derived their force from the undoubted misery of the population in the West of Ireland. He only asked the right hon. Gentleman to make an experiment, and let him consider it between now and to-morrow. An advance of £500,000 to the Board of Works, to be expended under the direction of the Treasury, would do an immense amount towards carrying out the views he had advocated. Half a million of money! Why, the Government did not hesitate to give £750,000 to Irish landlords last year, against the remonstrances of the Irish people; and they gave it out of Irish money. In the name of all that was wise, all that was just, let not the Government throw away this grand opportunity of refuting the charge that they

would do nothing but get these unfortunate people out of the country by emigration. Emigration and migration were both necessary. He was not an opponent of emigration; but as to accepting it as the sole remedy for the distress he should be ashamed to do so. He trusted that before to-morrow the Prime Minister would consider whether he could not make the experiment suggested. It was a mere question of a small amount of money, it was not necessary to provide a very large scheme; but if the Board of Works advanced money for so many purposes, why in the world should they not, with the authority of the Treasury, do so for this purpose, when the amount asked for was so small in quantity?

Mr. GLADSTONE said, it was an unusual practice of which the hon. Gentleman had just given an example, and there had been several during the evening, to give a kind of instruction to the Government, and to desire that, whereas they had evidently paid no attention whatever down to the present to some subject that an hon. Member might think very important, and to subjects, in many cases, of extreme importance, that they would, between the current date and the next, or another day, give their mind to the subject. Such modes of denunciation or instruction were not complimentary, and seemed to assume some dereliction of duty on the part of the Government with regard to some particular portion of a subject. The hon. Member for Galway (Mr. Mitchell Henry) said the Government were going to shirk the subject and not touch it; whereas, what the Government wished the House of Commons to say, but hon. Members would not permit it to say, was, that if any person in this great commercial country was willing to prosecute this easy commercial enterprise—as the hon. Member pointed it out—then the State would offer half of the capital required, and not limit it to the £500,000 the hon. Member proposed should be advanced. This was what the hon. Member thought it fair to describe as entirely shirking the subject, and refusing to touch it! This was not an equitable mode of procedure. The hon. Member knew quite well what were the views of former statesmen in former Parliaments, and he knew how greatly in advance of these they were

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travelling on this occasion, and how they were straining their capacity and responsibility as Representatives of the people at large—he was not surprised that the hon. Member should think the interests of reclamation would be best promoted by his own plan—but he was very sorry that the hon. Member should think it fair and just to describe the efforts the Government were making as shirking the question.

MR. MITCHELL HENRY said, he would accept the rebuke of the Prime Minister with shame and humiliation if he deserved it. But he did not deserve it. The right hon. Gentleman said that Parliament had done this or failed to do that; and what he proposed was to trust to commercial enterprize to do that which all experience had shown commercial enterprize would not and could not do. He had lived in the midst of the district; the right hon. Gentleman had never been there. He knew the sympathy in the House was general and real on this subject. But when the right hon. Gentleman visited Ireland, he saw those portions of Ireland that exhibited the greatest degree of prosperity to be found in the Island; but neither he nor any great statesman, except the Chief Secretary for Ireland, visited the district for which he was speaking. Let the Chief Secretary now open his heart and his mind, and say what he thought, for he must know that unless something more was done than was proposed by the Government the condition of the West of Ireland would remain as it was—a disgrace to this country. He would accept the rebukes of the Prime Minister when he deserved them. His motives were not factious, nor to interrupt the Bill, and certainly not to cast reflection on the right hon. Gentleman; but he spoke with confidence in the interests of Ireland and of this country, and would again say that unless the Government reconsidered the matter this country would rue it.

MR. O'DONNELL hoped the Prime Minister would return to his first decision, and accept the Motion for reporting Progress, without the futility of forcing a division.

*Motion agreed to.*

Committee report Progress; to sit again To-morrow at Two of the clock.

*Mr. Gladstone*

# REGULATION OF THE FORCES

BILL.—[BILL 193.]

(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman.*)

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Childers.*)

SIR WALTER B. BARTTELOT said, he should like to know what was in the Bill. The House had been so hard pressed with other matters that he had not had time to read it.

MR. CHILDERS said, he would be happy to give any explanation that might be wished; but, in point of fact, the Bill, except one clause, was a collection of extremely small Amendments which had accumulated during the last two years. The only clause of importance was the 5th, which related to the Reserves, and which enabled a second Reserve to be formed for four years of men who had completed their 12 years' engagement. The remainder of the Bill would not require much discussion.

MR. ONSLOW said, that the Bill appeared to deal with matters of detail, and it had not been circulated very long.

MR. CHILDERS: More than a week.

MR. ONSLOW said, there was one point on which he wished to ask a question. It was to be found in the Schedule, and was for the removal of doubts in confirming sentences of courts martial in the East Indies. He did not know that this matter had been discussed before. What was the intention in repealing the Act 7 & 8 Vict. for Removing Doubts, &c. of Court Martial Sentences in the East Indies?

MR. CHILDERS said, this was a very small point, and the particular provision in the Schedule would be better explained in Committee. The repealed Acts were for the most part obsolete, including the one referred to by the hon. Member.

SIR WALTER B. BARTTELOT hoped that the next stage would be fixed for a time that would allow of discussion.

MR. CHILDERS said, that would be done.

*Motion agreed to.*

Bill read a second time, and committed for Thursday.

PARLIAMENTARY ELECTIONS (CORRUPT AND ILLEGAL PRACTICES)  
BILL.—[BILL 1.]

(*Mr. Attorney General, Sir William Harcourt, Mr. Chamberlain, Sir Charles W. Dilke, Mr. Solicitor General.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Order for the Second Reading be discharged."—(*Mr. Attorney General.*)

SIR R. ASSHETON CROSS said, of course it was quite necessary that at this period of the Session the Bill should be withdrawn; but he would like, if possible, to extract a pledge from the Government that the Bill would not be allowed to drop, but would be brought forward as early as possible next Session. The Bill was intended to remove what was a great scandal on our electoral system, and, so far, would receive a good deal of support; but there were parts of the Bill—he would not enter into them then—which he hoped the Attorney General would carefully consider during the Recess, for they would really constitute traps for the honest candidate.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, the question should have been put to the Prime Minister; but, so far as he was aware, it was the intention of the Government to introduce the Bill next Session at an early date, with the hope of passing it.

Motion agreed to.

Order discharged; Bill withdrawn.

BANKRUPTCY BILL.—[BILL 137.]

(*Mr. Chamberlain, Mr. Attorney General, Mr. Solicitor General, Mr. Ashley.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Second Reading be deferred till Monday next."—(*Mr. Chamberlain.*)

MR. GORST hoped that by Monday the Government would make an announcement whether the Bill was to be proceeded with or not. There was scarcely a hope that the Government could pass it this Session; but it would be a great relief to those Members interested to have the Government determination announced.

SIR R. ASSHETON CROSS said, not only so, but it would be a relief to the whole commercial world, as was evident from the constant inquiries being made.

Motion agreed to.

Second Reading deferred till Monday next.

PUBLIC WORKS LOANS [ADVANCES, REMISSIONS, AND AMENDMENT OF ACTS].

Considered in Committee.

(In the Committee.)

(1.) *Resolved*, That it is expedient to authorise further advances out of the Consolidated Fund of the United Kingdom, or out of moneys in the hands of the National Debt Commissioners, held on account of Savings Banks, of any sum or sums of money not exceeding £4,000,000 in the whole, to enable the Public Works Loan Commissioners, and not exceeding £1,000,000 in the whole, to enable the Commissioners of Public Works in Ireland to make advances in promotion of Public Works.

(2.) *Resolved*, That it is expedient to authorise the remission of interest, amounting to £8,454 19s. 2d., due in respect of a Loan made by Public Works Loan Commissioners to the Tralee Harbour and Canal Commission.

(3.) *Resolved*, That it is expedient to authorise the remission of a claim by the Commissioners of Public Works in Ireland on certain proprietors in the Monivea Drainage District, in the county of Galway, for the repayment of a sum of £155 expended by the said Commissioners not on works of repair and maintenance, but on new works, and therefore not chargeable on the said proprietors.

(4.) *Resolved*, That it is expedient to transfer a Loan of £6,000, made by the Public Works Loan Commissioners to the Wicklow Harbour Commissioners, with arrears of interest thereon, from the Public Works Loan Commissioners to the Commissioners of Public Works in Ireland, on payment by the last named Commissioners to the first named Commissioners of the amount of the said Loan and arrears; and to authorise the conversion of the Loan and arrears of interest so transferred into a terminable annuity, and also the postponement of such annuity to a new Loan if made by the Commissioners of Public Works.

(5.) *Resolved*, That it is expedient to amend the Public Works Loans Acts, 1875 and 1878, "The Relief of Distress (Ireland) Act, 1880," "The Mulkear Drainage District Act, 1880," and the Act for the promotion and extension of Public Works in Ireland, 1831, and the Acts amending the same.

Resolutions to be reported To-morrow, at Two of the clock.

PUBLIC WORKS (IRELAND) [REMISSION OF LOANS].

Considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorise the Commissioners of Her Majesty's Treasury to

remit certain advances made out of the Consolidated Fund, under the Tithe Composition (Ireland) Act and the Tithe Relief (Ireland) Acts, amounting respectively to £227,726 16s. 1d. and to £900,000.

Resolution to be reported *To-morrow*, at Two of the clock.

#### CUSTOMS (OFFICERS) BILL.

On Motion of Mr. JOHN HOLMS, Bill to provide for the employment of certain Officers and Clerks by the Commissioners of Customs, *ord. red* to be brought in by Mr. JOHN HOLMS and Lord FREDERICK CAVENDISH.

Bill presented, and read the first time. [Bill 210.]

House adjourned at a quarter before Two o'clock.

### HOUSE OF LORDS,

*Tuesday, 12th July, 1881.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Industrial Schools \* (158); Sale and Use of Poisons \* (159).

*Second Reading*—Supreme Court of Judicature (147).

*Committee*—Water Provisional Orders \* (102).

*Report*—Summary Procedure (Scotland) Amendment (99-161); Local Government Provisional Orders (Acton, &c.) \* (121).

#### SUPREME COURT OF JUDICATURE

BILL.—(No. 147.)

(*The Lord Chancellor.*)

#### SECOND READING.

Order of the Day for the Second Reading read.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord Chancellor.*)

LORD DENMAN mentioned some facts as to the patronage and salary of the Lord Chief Justice of England, and the pensions of retired Lord Chancellors August 16, 1832.

EARL CAIRNS said, he was anxious to call attention to some clauses in the Bill which appeared to him to be of great importance, with reference to the administration of justice and the judicature of the country. There were many clauses to which he had no objection—they were desirable, and some absolutely necessary. There was the proposal that the President of the Probate, Divorce, and Admiralty Division should become an *ex officio* member of the Court

of Appeal; that was following the precedent of the other Divisions. At the time the Judicature Act passed this could not have been done with the Probate Division, for at that time there was only one Judge. Then the Bill proposed, in regard to the Master of the Rolls, that he should cease to be a Primary Judge of the Chancery Division, and henceforward be a Judge of the Appellate Court; and if the Master of the Rolls was willing to make that alteration in his position, he could only say that he was sorry that the Division was about to lose him as a Primary Judge, for which he had unusual qualifications. At the same time, he was certain that the Master of the Rolls would do equally good service in the Court of Appeal. He quite agreed that if they confined his labours to the Court of Appeal, it was impossible to do otherwise than to secure to him the precedence he had at present, his remuneration in point of salary, and all his rights with regard to patronage. He should like to ask his noble and learned Friend what was to be done with the Chambers and Chamber Clerks of the present Master of the Rolls? Were they to be transferred to Mr. Justice Kay? There were other clauses in the Bill of a miscellaneous description, but he should not dwell on them. He now came to a part of the Bill which, it appeared to him, required the serious consideration of their Lordships. He referred to that part of the Bill which related to the future constitution of the Appellate Court, which had been regarded as the key-stone of the system. There was not one case came before their Lordships for every 20 that was decided finally by the Court of Appeal. It had been their object for several years past to strengthen in every way, and to give solidity to this Court of Appeal. They had tried to do this under various statutes—the Acts of 1873, 1875, 1876, and 1877. All those Acts more or less altered the arrangements from time to time, as experience suggested, with regard to the Court of Appeal. One object they had in view was to give to the Court of Appeal, in the first place, as great dignity as could be given by securing the services of the most eminent men that could be obtained for it. Another object was to insure that the Judges of the Court of Appeal should be, as far as possible, of

equal rank and dignity, and possess equal advantages in reference to their judicial office. But would not that object be frustrated by the provisions of the proposed Bill, which would enact that in future any person who might be made Master of the Rolls should never act as a Primary Judge, but should at once become a member of the Court of Appeal, and possess all the advantages hitherto enjoyed by Masters of the Rolls with reference to the questions of precedence, salary, and patronage? By this Bill a person quite inexperienced as a Judge might join the Appellate Court as Master of the Rolls, and *ipso facto* he would have precedence of tried Judges, like the late Lord Justice Knight Bruce, or Lord Blackburn, or Lord Justices Bramwell and Brett. The result of this arrangement would be that the Appellate Court would lose the respect of the public and the Profession. He might be told that a man could be made Lord Chancellor, and enjoy the precedence attached to that Office without ever having been a Judge before. That was true; but this state of things had never been considered advantageous, and was only accepted because it could not be avoided. If it was desirable that Masters of the Rolls should for the future become members of the Appellate Court and not be Primary Judges, he would raise no objection. What he insisted on was that the opportunity should be taken to do away with the artificial precedence of the Master of the Rolls, who should have in the Appellate Court no more than the precedence derived from the order of his appointment. Why, he asked, should future Masters of the Rolls have a higher salary than that allotted to other members of the Appellate Court? By giving this higher salary to the Master of the Rolls they would create unnecessarily an invidious distinction between one member of the Court and the other members. Then, again, with regard to patronage. The Bill proposed that future Masters of the Rolls should have all the patronage enjoyed by the Master of the Rolls at the present time. There would, therefore, be one Judge sitting in the Court of Appeal whose rights of patronage would be far more extensive than those of the other Judges in the same Court. To that provision he strongly objected. He hoped his noble and learned Friend

the Lord Chancellor would see the advisability of introducing Masters of the Rolls into the Appellate Court with precedence according to the dates of their appointments only, and upon an equal footing with the other members of the Court. He also disapproved the provision according to which three Judges of First Instance would be selected out of the number of Primary Judges once in every year for the purpose of sitting in the Court of Appeal. It was a proposition of a very grave character, and one which would be very injurious to the Court of Appeal. They had now nearly reached the end of the Session, and therefore but little time was left for discussing the measure. The public and the Bar would have no opportunity of understanding its provisions, and the Judges who were now on Circuit would not have time to devote themselves to the study of the Bill, so as to be in a position to express their opinion upon it. He thought the best thing to do would be to relieve the measure of the two provisions to which he had specially drawn attention. He referred to the clause regulating the position of future Masters of the Rolls in the Appellate Court, and to the provision for the annual selection of three Puisne Judges who should sit in the Court of Appeal. These provisions ought to stand over till another Session, when they could be considered by the public at large. They should not rashly mar the work which had been done under the Acts passed during the last eight years. As things were, the Judges were occupied up to the hilt. No doubt arrears were less than they had been; but that was owing to the state of business in the country. Speaking generally, he thought it was impossible that the Primary Judges should have much time to sit in the Court of Appeal. Besides, the time when the Court of Appeal wanted most help was during the Circuits. But that was just the time when not a single Primary Judge could be had. He believed it was a delusion to suppose that any Primary Judges would have leisure to sit in the Court of Appeal. He had another objection, and that was the varying constitution of the Courts which necessarily followed. One day the Court would be constituted of certain Judges, all of whom would be unable to sit together again. And a Primary Judge

would say, when a fresh cause was called in the middle of the day—"I have to sit in the Court of Appeal tomorrow, and therefore cannot take this case if it is likely to occupy any length of time." The system proposed, therefore, was a most wasteful one. Another objection he entertained most strongly was that it was assumed that all the Primary Judges were fit to sit in the Court of Appeal. The best men were required for that Court. The proper way of getting the best men was to choose from time to time the most distinguished Primary Judges and promote them to the Court of Appeal. But if all the Primary Judges were to be treated as eligible for the Court of Appeal, the popular respect for that Court would be lowered. What would be the position of the three Judges? They would go at once to the bottom of the list of Appeal Judges. They would lend no additional respect to the Court; on the contrary, a division would be established between one class of Judges of that Court and another. What he said was not mere theory. The plan had been tried and found wanting. In 1875 it was enacted that the Crown might select from the Common Law Judges Judges to sit in the Court of Appeal. The result was that when such selections were made considerable dissatisfaction was expressed in the country. The public thought it was not the kind of Court of Appeal which they had been led to expect. In consequence of that dissatisfaction three additional permanent Judges of the Appeal Court were appointed under the Act of 1876, so as to raise its strength to six Judges. Then, how were these three Judges to be selected under the Bill? Why, in a way in which Judges never were selected before. There was no analogy between the present case and that of the Election Judges. In the latter case there was an obvious reason why the appointment should not be by the Crown. Besides, the Election Judges were chosen to do what was the ordinary work of Judges of First Instance; whereas under the Bill it was a higher class of work to which certain Judges were to be called. How would the Judges select? In all probability by rota. They would naturally decline to do anything so invidious as to choose certain of their body by preference to sit in the Appeal Court.

*Earl Cairns*

Thus, in turn, from year to year, all the Judges would sit in the Appeal Court without reference to their standing or experience or other special qualification. The Court would thus be furnished without reference to merit. But suppose the election was not by rota—and he observed that his noble and learned Friend had provided for meetings of the Judges and a casting vote. Let their Lordships imagine what it would be to have a contested election of Judges. Was the voting to be by ballot? It might be necessary to apply the provisions of the Ballot Act to the election of Judges of the Court of Appeal. Then, what were called the Common Law Judges might think themselves particularly eligible, and the Chancery Judges might hold a different opinion. Thus, there would be a contest between one side of Westminster Hall and another. He thought, therefore, that the Bill would introduce a great change from which little benefit would accrue, which would lower the character of the Court of Appeal, and the machinery for which could only be put in motion by a mode of selection among themselves of the Primary Judges, which was, in the highest degree, objectionable. He hoped that the noble and learned Lord would reconsider the two provisions to which he had referred, and would postpone dealing with them until another Session. Another point to which he desired to draw attention was this. He was responsible for proposing to Parliament that the Judges of the Court of Appeal should go Circuit, and at the time that proposal was made it was not an injudicious one, because no one could tell what the extent of the duties which those Judges would have to discharge would be. The proposal having been adopted, the Judges of the Court of Appeal had gone Circuit, and they had done so at the greatest possible inconvenience to the public, inasmuch as during Circuit time either one or both of the Divisions of the Court of Appeal were closed. In dealing with this point, their Lordships must remember that Courts *in banco* had been almost abolished, and that the weight of the ordinary *banco* business of the Courts fell upon the Court of Appeal. It was impossible that the weight of the objection to there being arrears in the Court of Appeal could be overrated. And, therefore, he thought the subject of the expe-

diency of sending the Judges of the Court of Appeal on Circuit should be reconsidered. Turning to the subject of the salaries of the Judges of that Court, they had been fixed at £5,000 per annum, as against the £6,000 which was paid to the Lords Justices. He had always objected to the salaries of those Judges being placed on so low a scale, as it was remarkable how much greater inducement the additional £1,000 a-year was to men of eminence and learning to accept the post of Judges. Seeing that the Offices of Lord Chief Justice of the Common Pleas and of the Chief Baron of the Exchequer had been abolished, and a considerable saving had thereby been effected, it was not unreasonable that the salaries of the Judges of the Court of Appeal should be increased, and thus that some prizes should still be opened for distinguished members of the Bar. In his opinion, a most beneficial result would accrue from strengthening the Court of Appeal by relieving the Judges of that Court from the obligation of going Circuit and by increasing their salary. He thought that the clause having reference to the Assizes might be misunderstood, and that it might be supposed that the Government was about to take power to group counties together for purposes of all the Assizes in the same way as they did for the purposes of the Winter Assizes. If that were the real meaning of the clause, he thought that it was objectionable, as it would result in considerable inconvenience to the parties and others obliged to attend the Assize Court. He trusted that the noble and learned Lord upon the Woolsack would afford the House some explanation on this point.

THE LORD CHANCELLOR sincerely hoped that none of their Lordships would object to the clause in the Bill relating to Winter Assizes. Until recently there were only two Assizes in the year; but there were now four for criminal purposes, and two (in some places more) for other purposes. While that arrangement undoubtedly accomplished the very desirable object of not keeping prisoners too long awaiting trial, it had been found to interfere seriously with the business of the Courts in London. It was, therefore, proposed to extend the powers now given to the Crown to reduce, as occasion might require, the number of places for

holding the Winter Assizes in the months of November, December, and January, to all Assizes, and all times of the year, which would lessen the waste of judicial power for Assize purposes; and, as fewer Judges would be required to go Circuit, there would be less interference with the business of the Courts in London. With regard to the Chambers of the Master of the Rolls, he was not aware that there was any controversy raised as to the Judge to whom those Chambers should be assigned. It might, or it might not, be found convenient that the junior Judge should take them; but that question must be decided with a view to the convenience of business only, when it became a practical one. With regard to the criticisms of his noble and learned Friend on the proposal as to future Masters of the Rolls, he thought that they really were such as when examined would not be found to have much weight in them. He did not see any reason why the official precedence of future Masters of the Rolls should be more objectionable in the Court of Appeal than the precedence which the Master of the Rolls for the time being already had there, or than the precedence heretofore existing in the Court of Queen's Bench, the Court of Common Pleas, and the Court of Exchequer, before the abolition of those distinctions. He had never heard, when those who had attained such eminent positions at the Bar and in the Public Service as to be fit, in the judgment of the Crown and the public, to be appointed to the highest judicial posts, that there was any jealousy or dissatisfaction caused by the fact that they were advanced to a position of superiority of rank. With regard to the question of retaining the greater prizes of the Profession, he thought they should neither sacrifice the public interest for the mere purpose of retaining those prizes, nor should they wish to diminish the number of them when they could be maintained consistently with the public interest. Having for sufficient reasons parted with two of those prizes, it was desirable that the office of Master of the Rolls should remain as it had been heretofore, unless some clear and strong public reason could be assigned to the contrary, and he was convinced that no such reason could be assigned in that case. It was an ancient historical office, and the other

Judges had never felt, as far as he was aware, the least dissatisfaction at the Master of the Rolls, being also the principal Keeper of the Public Records, having a higher salary and rank than other Judges. It was desirable to retain with the office of the Master of the Rolls the principal custody of the public records; and the last two Masters of the Rolls, as well as the present occupant of that office, had discharged their duties in connection with the public records in a manner which all admitted to be very highly beneficial to the public. Formerly there was much separate patronage belonging to the Master of the Rolls; but now there was nothing, or next to nothing, of that kind. He was afraid that they could not conveniently put off till another Session the proposal to which the noble and learned Earl had referred, because, even before another Session, exigencies might possibly arise which would have to be provided for. On the whole, he held that there was not only no valid objection to retaining the future holders of the office of Master of the Rolls in the same position in which the Bill would place the present Master of the Rolls, but that the great preponderance of argument was in favour of that course. His noble and learned Friend had raised several objections to the selection of three Judges to sit as the Court of Appeal. He (the Lord Chancellor) had pointed out that it was necessary to strengthen the Court of Appeal in order to avoid arrears, and that the Master of the Rolls and the Lord Chief Justice had on several occasions given material assistance as *ex officio* Judges to the Court of Appeal; and he thought such an arrangement as he now proposed would strengthen the Court, and make it more popular, because there had, no doubt, been some little feeling from the first with respect to the fusion of Equity and Common Law, and the occasional presence of working Judges of the Queen's Bench and other Divisions of the High Court on the Bench of the Court of Appeal had a very good effect. He reminded the House that it was contemplated by the Judicature Act that three of the ordinary working Judges should be annually appointed members of the Court of Appeal. He could not, therefore, see the force of the objection to the selection of three ordinary Judges of First Instance as mem-

*The Lord Chancellor*

bers of the Court; and he had explained the reason of the postponement of that part of the recommendation of the Judicature Commissioners, it not being then necessary to bring it into operation. The worst result that could ensue from the adoption of the principle of selection was that all the Judges might occasionally sit in rotation, which he admitted to be possible, but which, after all, might not be any serious evil. At the same time, he could not say, that this was a subject on which it was necessary for Parliament to decide during the present Session; because there were still under the Act of 1875 means of providing, on the same principle, for emergencies. He would, therefore, not press upon their Lordships, during the present Session, the clause for the selection of the three Judges by the general body of Judges who were to sit in the Court of Appeal. As to the patronage under the Bill, it was his intention to propose an Amendment in Committee, by which it would be conferred, not on the Lord Chancellor, but on the Master of the Rolls, the Lord Chief Justice, and the senior Puisne Judge of the Queen's Bench Division.

THE EARL OF POWIS objected to give a general power of abolishing the ordinary Assizes. It would almost exclusively be applied to Wales. It would destroy the character of the county as a local body. It would cause local inconvenience by taking prosecutors and witnesses, at increased expense, to strange places with which they had no connection, and would be contrary to the principle of bringing justice within reach of any man's door.

EARL CAIRNS said, he hoped that before they went into Committee on the Bill they would receive information as to what patronage would be affected by it. A certain amount of patronage was formerly vested in the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer. Those offices were now abolished, and their Lordships ought to know exactly what that patronage was.

After a few remarks from Lord ABERDARE,

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.

SUMMARY PROCEDURE (SCOTLAND)  
AMENDMENT BILL.—(No. 99.)*(The Earl of Dalhousie.)*

## REPORT.

Amendment *reported* (according to order).

Further Amendments made.

LORD BALFOUR OF BURLEIGH moved to omit sub-sections A and B of Clause 4. The object of the Amendment, he explained, was to bring Clause 4 into consistency with other parts of the Bill. At present Schedule A fixed the maximum scale of fees for certain prosecutions. Clause 4, on the other hand, fixed the amount beyond which the defendant should not be cast in expenses. If their Lordships would take the trouble to add up this table of fees, it would be found that under the lowest possible scale the expenses must exceed the maximum amount which was allowed by these two sub-sections. He did not anticipate that the noble Earl who had charge of the Bill would deny that it was so, even in cases where the defendant pleaded guilty. And that was the case even allowing nothing whatever for the travelling expenses of the persons who might be brought to attend as witnesses, and they might have to come from some distance. In a great many cases under these Acts the defendant did not plead guilty; and when witnesses were to be brought, perhaps, some miles, and stay some hours in the town where the trial took place, the prosecutor would be fined in a sum of expenses which could not be less than 10s., and might amount to several pounds. The unfortunate prosecutor would thus often be fined more than the defendant. He could scarcely conceive a more anomalous and more absurd thing than such a state of matters. He had the deepest sympathy with defendants who, when convicted of some trivial offence, and fined a very small sum, were yet cast £2 or £3 of expenses. But surely a better remedy could be found for that than fining the prosecutor.

*Moved to leave out sub-sections (a) and (b).—(The Lord Balfour of Burleigh.)*

THE EARL OF DALHOUSIE said, it was perfectly true that there still remained in the Bill a considerable difference between the costs as laid down in the Schedule and the maximum

amount which was permitted by the Bill to attach to the person convicted. But there was another side of the case to which the noble Lord had not referred. It was only in prosecutions under certain Acts of Parliaments that the persons convicted were cast in any costs at all. In criminal prosecutions under the Common Law of Scotland the person convicted was not cast in costs. This Bill was intended to remedy a very great hardship. A man might at present be fined 2s. 6d. or 5s., and because the prosecutor had been at great expense in establishing the case against him—perhaps £3 or £4—the defendant would be cast in the whole amount of the costs awarded. This was the kind of case which the Bill was intended to remedy. The Government declined to accept the Amendment because it struck at the root of the Bill. If sub-sections A and B of Clause 4 were left out, a man who committed an offence and was fined 2s. 6d. might still be cast in costs to the extent of £2. In civil actions it was the custom that the plaintiff should be re-imbursed his costs by the defendant, if he won his case; but that was not a principle which ought to enter into the Criminal Law. If the noble Lord insisted on the hardship to the prosecutor of his paying part of the costs of a criminal prosecution, still he would submit that the hardship which this Bill was intended to remedy was greater still.

THE DUKE OF RICHMOND AND GORDON said, that as the Bill stood it was most inconsistent. Defendants would be fined for offences in certain cases, and yet they would not have to pay more than a small amount of costs. There would, if the Bill were passed, be a most anomalous state of things in Scotland, and no wonder that his noble Friend objected to these sub-sections. He should vote for the Amendment.

On question? their Lordships *divided*:—Contents 13; Not-Contents 9: Majority 4.

## CONTENTS.

Richmond, D.	Balfour of Burleigh, L. [ <i>Teller</i> .]
Salisbury, M.	Denman, L.
Cairns, E.	Foxford, L. ( <i>E. Lime- rick</i> .)
Powis, E.	Strathspey, L. ( <i>E. Sea- field</i> .) [ <i>Teller</i> .]
Redesdale, E.	Ventry, L.
Rosse, E.	Walsingham, L.
Hawarden, V.	



## NOT-CONTENTS.

Selborne, L. ( <i>L. Chancellor.</i> )	Aberdare, L.
	Carrington, L. [ <i>Teller.</i> ]
Granville, E.	Ramsay, L. ( <i>E. Dal-</i>
Kimberley, E.	<i>housie.</i> ) [ <i>Teller.</i> ]
Spencer, E.	Sandhurst, L.
	Sudeley, L.

*Resolved in the affirmative.*

Amendments made; Bill to be read 3<sup>o</sup> on *Thursday* next, and to be *printed* as amended. (No. 161.)

## INDUSTRIAL SCHOOLS BILL [H.L.]

A Bill to consolidate and amend the enactments relating to Industrial Schools and Reformatories in England and Wales—Was *presented* by The Lord Norton; read 1<sup>a</sup>. (No. 158.)

## SALE AND USE OF POISONS BILL [H.L.]

A Bill for amending the Law relating to the Sale of Poisons, and to the administration of poisonous drugs to horses and other animals—Was *presented* by The Duke of Richmond; read 1<sup>a</sup>. (No. 159.)

House adjourned at a quarter past Seven o'clock, to *Thursday* next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Tuesday, 12th July, 1881.*

The House met at Two of the clock.

MINUTES.] — PUBLIC BILLS — *Resolutions* [July 11] *reported—Ordered—First Reading—* Public Works Loans \* [211]; Public Loans (Ireland) Remission \* [212]. *First Reading—* Incumbents of Benefices Loans Extension \* [213]; Veterinary Surgeons \* [214]. *Select Committee—* Poor Relief and Audit of Accounts (Scotland) [182], *nominated.* *Committee—* Land Law (Ireland) [135]—*r.p.* *Third Reading—* Metropolitan Open Spaces Act (1877) Amendment \* [9], and *passed.* *Withdrawn—* Sale of Intoxicating Liquors on Sunday \* [55]; Naval Discipline Act Amendment \* [52]; Parliamentary Elections (Expenses and Second Election) \* [93].

## QUESTIONS.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARRESTS IN CO. LIMERICK—THE QUINLANS.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, with reference to the arrest of

the three brothers Quinlan, aged sixteen, nineteen, and twenty, under the Coercion Act, the youngest of whom has since been released, he has made inquiries or received any report from the prison doctor at Limerick with reference to the failing health of the second youth (Patrick); and if it is still intended to keep the boy in prison?

MR. W. E. FORSTER: I have received the following Report from the surgeon of Limerick gaol in reference to this person:—

"I have most carefully examined the prisoner Patrick Quinlan. He has a slight cold, but there is nothing materially wrong. His pulse is normal, his temperature is 72 deg., and his weight is the same as it was when he came."

## CENTRAL ASIA — THE RUSSIAN ADVANCE.

MR. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, Whether it is a fact, as stated by the Correspondent of the "Daily News," who is now a prisoner at Merv, that the Russians have not only occupied and annexed the whole of the Tekke Turcoman Country, including Askabad, but have also occupied Kuchan, in Persian Khorassan, a most important strategical position on the road to Meshed and Herat?

SIR CHARLES W. DILKE: Her Majesty's Chargé d'Affaires at St. Petersburg has reported that he understood, from a conversation with the Russian Minister for Foreign Affairs, that Askabad was the southernmost point of the Tekke Oasis, which is stated to be the Transcaspian territory recently annexed to Russia. We have heard that General Skobeleff had some months ago demanded from the people of Kuchan payment for property stolen from Russian subjects, and that a Russian Agent was to be appointed there to make annual purchases of grain; but we have no knowledge of its being occupied or annexed by Russia.

MR. ASHMEAD-BARTLETT asked if the hon. Baronet would take steps to obtain information on this subject? He believed Her Majesty's Government had Agents at Askabad and Meshed, and he could not see why they should be in a state of such profound ignorance. ["Order!"]

SIR CHARLES W. DILKE: We have received very full Reports through

Mr. Thomson from our Agent at Meshed, and my answer was founded on them.

#### CEYLON — CONSTITUTIONAL REFORMS.

SIR DAVID WEDDERBURN asked the Under Secretary of State for Foreign Affairs, Whether the attention of the Colonial Office has been recently directed to the necessity for constitutional reforms in Ceylon, especially to the desire for a more genuine representation of the people in the Legislative Council, and to the religious grievance involved in the existing system of ecclesiastical subsidies?

SIR CHARLES W. DILKE: There has been no recent correspondence on the subject; but the constitution of the Legislative Council of Ceylon has been at various times under consideration, and it has not been thought desirable to alter the system under which unofficial Members are at present appointed to the Legislative Council. In selecting gentlemen to be recommended for such appointments, the Governor pays special attention to the views and wishes of the classes (planters and natives) to be represented. The decision has been taken to discontinue the ecclesiastical grants. Papers on the subject will shortly be presented.

#### BULGARIA (POLITICAL AFFAIRS).

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a telegraphic Despatch from the Special Correspondent of the "Daily News," dated "Giurgevo, July 9," which appeared in that journal on the 11th instant, in which it is stated that the recent elections to the Constitutional Assembly have been stamped with illegality, and containing very severe strictures on the mode in which those elections were conducted, and also imputing to Prince Alexander of Battenberg the intimidation of the electors by military force and other means; whether he has had his attention called to a Despatch that appeared in the "Times" on Saturday last, in which it was stated that the Representatives of all the Foreign Powers would attend the Prince on his opening the so-called Constituent Assembly on 13th July; and, whether in view of the unconstitutional and arbitrary manner in which the elections to this Assembly are stated to have been con-

ducted, Mr. Lascelles, Her Majesty's Representative in Bulgaria, has been, or, if he has not, will be, instructed to abstain from officially appearing at the opening of the so-called Constituent Assembly?

SIR CHARLES W. DILKE: I observed the correspondence to which my hon. Friend called my attention; but we have received no official confirmation of the fact to which he refers. No instructions have been sent to Mr. Lascelles as to his attendance at the opening of the Constituent Assembly.

#### STATE OF IRELAND—THE MAGIS-TRACY—MR. CLIFFORD LLOYD.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he has seen a statement in the "Newcastle Chronicle" of the 7th instant (signed by Messrs. Birkett, Patterson, and Bryson, three English gentlemen), to the effect that Mr. Clifford Lloyd, resident magistrate at Kilmallock, had brought before him, at his private residence at Kilmallock, an old woman named Mrs. Colman, who was charged with trying to prevent people from buying milk from a milk woman named Reardan; if he (Mr. Lloyd) tried this case at his own residence, and sentenced this poor old woman to six months' imprisonment, without affording her time to prepare her defence, or without her husband or any of her relatives being aware that she was to be tried; whether this statement or the denial of Mr. Lloyd is the correct account of what occurred; and, whether, under the circumstances, he will allow the Law to take its course in the case of this woman, who is nearly seventy years old?

MR. W. E. FORSTER, in reply, said, he had not seen the newspaper report; but he had received a Report from the resident magistrate, who, in his opinion, acted quite properly. There was, it appeared, a respectable farmer in the vicinity, who, because he did not obey a Land League decree ordering him to pay a fine or give up a piece of land he had held for some years, had been frequently "Boycotted." His house had been attacked during the night, and attempts made to burn it, so that it was necessary for a policeman to be quartered in the house. He had, accordingly, to dispose surreptitiously of his milk, butter, and cheese, and the complainant was attacked for selling his

milk. Two women, one of them Mrs. Colman, attacked her, collected a crowd, and accused her of selling the "Boycotted" man's milk, and threatened to drive her away. She swore on information that she was in fear of her life, and the resident magistrate considered if he had not taken this action her life would not have been safe. He (Mr. Clifford Lloyd) issued a warrant for the arrest of the two women. The woman in question was arrested and brought before the magistrate, admitted her offence, and was ordered to find two securities of £10 each to keep the peace for six months, or, in default, to suffer six months' imprisonment. Her husband endeavoured to find the bail, at first unsuccessfully, and the woman was locked up; but next day, on the bail being found, she was released.

MR. O'SULLIVAN: Would the right hon. Gentleman state whether this case was disposed of by Mr. Clifford Lloyd at his private residence; and whether he has previously denied, in answer to a Question from me, that he ever tried prisoners at his private residence, although I stated at the time that I saw them being brought in there myself?

MR. W. E. FORSTER: I have stated that he tried the case at his office?

MR. PARSELL: Is not this office in his private residence?

MR. W. E. FORSTER: I do not know whether it is or not, and I do not think it makes any difference.

MR. CALLAN: Will the right hon. Gentleman state whether this Mr. Clifford Lloyd is the same as the person about whom the Messrs. Whitworth, of Drogheda, communicated with the Chief Secretary, and as to whom the hon. Member for Drogheda, in his place in this House, stated within the last month that he was a "firebrand"?

MR. O'SULLIVAN: Does not the right hon. Gentleman think it harsh that an old woman of 70 years of age should be sent to prison for six months for such a trivial offence?

MR. W. E. FORSTER: She was bound over to keep the peace for six months, and in default was committed to prison and kept there, not for six months, but for one night, and next day, on security being offered, she was released. With regard to her age, I am told that she has the appearance of a woman of 50.

*Mr. W. E. Forster*

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—CRIME AND OUTRAGE—THE COUNTY OF WATERFORD.

MR. J. COWEN asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been drawn to the following facts:—That, in the Return of Agrarian Outrages in Ireland for the month of June, only seven are returned as having been committed in the county of Waterford, and of these four are for sending threatening letters; that at the quarter sessions recently held in Waterford there was only one case, and that a case of three lads accused of stealing a few potatoes; that at the last winter assises for the four counties of Waterford, Wexford, Tipperary, and Kilkenny, containing a population of nearly half a million, there were only thirty-nine cases for trial, eight of which resulted in acquittals, and thirty in convictions; and, if he was aware of the limited extent of agrarian crime, and the small amount of ordinary crime, when he sanctioned the suspension of the constitutional liberties of the inhabitants of the county of Waterford?

MR. W. E. FORSTER, in reply, said, that he found that the Return of the agrarian outrages in Ireland for the month of June showed that only seven outrages had been committed in the county of Waterford, and of these four were for sending threatening letters. He did not know what happened at the quarter sessions recently held in Waterford. It might be true that there was only one case, and that against three lads for stealing a few potatoes. But, as he had stated before, it was not so much on the statement of the actual offences committed as on the reports they received of the condition of the county that the Government had to act. They had made the most careful inquiry into the circumstances, and had come to the conclusion—which they believed was perfectly justified—that, having the power with which they had been intrusted by Parliament, it was their duty to prescribe the county of Waterford.

MR. HEALY asked whether the right hon. Gentleman had power to suspect whole counties and districts, as well as individuals?

MR. J. COWEN asked where the Chief Secretary got his information, if

not from the Returns of Crime submitted to Parliament, and on which alone Parliament could form its judgment? What was the basis on which he acted when the Returns of Crime showed that in the four counties of Waterford, Wexford, Tipperary, and Kilkenny there had only been 30 cases in six months?

**MR. W. E. FORSTER:** The hon. Member is doubtless aware that we have a very heavy responsibility upon us, to see that the powers given to us are used as effectively as possible for the preservation of law and order. We have responsible persons who give us information, and we have made the most careful inquiry of those persons before taking the steps we have taken. The House intrusted us with the discretion; and, as I have already stated more than once, if the House thinks fit to take from us that discretion, they should bring forward a Resolution depriving us of it.

**MR. LEAMY:** Has the Chief Secretary arrested a single person in the city of Waterford?

**MR. W. E. FORSTER:** The hon. Member had better give me Notice of the Question; but it does not at all follow that we should be obliged to make arrests because we prescribe.

**MR. R. POWER** asked whether the right hon. Gentleman really did not know whether or not anyone had been arrested in Waterford?

**MR. W. E. FORSTER:** I do not think Members will be surprised, considering the number of Questions asked, and the manner in which any sort of mistake that I might make would be treated by this House, that in a matter of detail I prefer having Notice.

**MR. J. COWEN** said, that the right hon. Gentleman did not give the information asked for, but always closed his answers by saying if hon. Members would submit a Resolution, he would be prepared to meet it. ["Order!"]

**MR. SPEAKER:** The hon. Member for Newcastle is not entitled to go into an argument.

**MR. J. COWEN** said, that what he wanted to know was whether the Government would afford facilities for discussing the grounds upon which 200 persons had been arrested?

**MR. W. E. FORSTER:** The hon. Member must be well enough aware of the proceedings of the House to know that, as regards the order of Business, and whether a day will be given by the Go-

vernment, I am not the person to ask, but the Prime Minister.

**MR. HEALY:** Give us a day, then.

#### ARMY—AUXILIARY FORCES—THE VOLUNTEER REVIEW AT WINDSOR—THE METROPOLITAN POLICE.

**MR. CARINGTON** asked the Secretary of State for the Home Department, Whether it is true that one thousand two hundred men of the Metropolitan Police were sent to the review held at Windsor on Saturday last; what was the total cost incurred; whether any portion of the expenses was defrayed by the ratepayers of the Metropolis; and, by whose order they were sent?

**SIR WILLIAM HARCOURT:** I am a little surprised at my hon. Friend's Question. He ought to have known that, under the Metropolitan Police Act, the men are sworn in to serve at the Royal Palaces and within 10 miles of them. The Metropolitan Police always act at great State ceremonials, and also upon great national occasions when Her Majesty is present, and no occasion deserves that name better than that of the Volunteer Review at Windsor on Saturday last. The order to go was given upon my responsibility, upon the application of the Office of Woods and Forests and of the Ranger. The number of men employed was 706. The military authorities have always declared that they very much prefer the Metropolitan Police to the troops for keeping the ground on these occasions. The cost of the employment of the police was between £200 and £300. That cost is defrayed, as it always is on occasions of this character, out of the Police Fund, half of which is contributed by the ratepayers and half comes from the Imperial Exchequer. I do not know whether my hon. Friend is a ratepayer of London. I am; and, on behalf of the ratepayers of London, I am prepared to say that this contribution on their part of £100, to be divided among some 4,000,000 of people, for the success of the experiment of Saturday last, is one which they will readily bear. I think they will be glad to contribute to the success of the Review, where all who took part in it so well performed their duty.

**MR. GORST** asked whether the ratepayers had any choice left in the matter, or whether their money was spent at the will of the right hon. Gentleman?

**SIR WILLIAM HARCOURT**: If the hon. and learned Member thinks that the ratepayers of London are ill-used, and he will bring forward a Motion on the subject, it will be considered.

### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [TWENTY-FIFTH NIGHT.]

[*Progress 11th July.*]

Bill considered in Committee.

(In the Committee.)

#### PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND, AND EMIGRATION.

*Reclamation of Land and Emigration.*

Clause 25 (Reclamation of land).

Amendment proposed,

In page 18, at end of clause, add—“(5) The Land Commission may from time to time purchase such waste, semi-waste, or uncultivated lands as to them shall seem fit, apportion them in such lots as they deem suitable, and may let or sell such lots to persons of approved character, and competency, and the Board of Works may advance to such tenants or purchasers such sums per acre as may in the opinion of the said Board of Works be adequate and proper, either in bulk sum or by annual instalments for the due reclamation of such waste lands. All sums so advanced to be secured upon the lands in such manner as the Board of Works shall determine, and to be made repayable, as hereafter set forth in regard to other advances under this Act.”—(*Dr. Lyons.*)

Question again proposed, “That those words be there added.”

**MR. DALY** said, he hoped they would now find the way clear for the acceptance of this Amendment, especially as the Board of Works would not be required by it to go any farther than they might think fit. He put it to the Government to say whether it was a judicious thing in the face of the diminution of the population of Ireland, and of the decay and diminution of wealth and industry, to refuse to entertain a proposal which, in any case, would entail very little loss upon the State. They should bear in mind that there were many men and women whose wages ran to 1s. 4d., 1s. 5d., and 1s. 6d. a-day, who formed the residuum of the population, and who filled the workhouses and the hospitals.

If their sons and daughters were allowed to remain in the country on holdings of their own, it would, undoubtedly, be their duty to provide for their fathers and mothers, and prevent their being a burden to the State. The French had done in Algeria pretty nearly the same thing as was now proposed; and he knew, of his own knowledge, that there were very large bonuses offered to induce people to migrate to Algeria and to settle there. What was wanted in Ireland was that the Land Commission should, with the aid of the State, assume possession of such waste lands as they could get, and advance certain sums of money to persons who possessed the labour necessary to cultivate those lands beneficially. It ought to be a paramount idea to increase the natural wealth of the country. If the experiment failed, it would not fail for the Government, it would only fail for the people; but their labour would remain in the land; and that land, originally purchased by the Government, would be so much the better. In listening to some of the speeches which had been made upon this proposal, he had felt that the assumption made by some hon. Gentlemen that the Land Commission would put the State to an enormous amount of expense was altogether unwarranted. The hon. Member for Galway (*Mr. Mitchell Henry*) had suggested that the experiment might be made with £500,000; but, certainly, a long time must elapse before the Commission, which he assumed would be composed of reasonable and prudent men, would advance so much as that. If the experiment were made and proved successful, it would be the beginning of an operation which would extend, and which would be of the greatest possible benefit to Ireland. It should be borne in mind that, not from a humanitarian, but from a purely selfish point of view, it was to the interest of this country that Ireland should be prosperous and comfortable; and its prosperity would have the greatest effect on the home trade of England. Ireland was so unfortunately situated, that she must depend for her supplies on the manufacturing industries of England. Hitherto, there had been many years of discontent and disaffection in Ireland, and the Government had been obliged to keep up an expensive armed Force to maintain order; but a little of the money spent in the direction

suggested by this Amendment would do away, in a great measure, with the necessity for maintaining that large standing army in Ireland. Irishmen had seen large sums of money voted away during the last two years for the maintenance of the English flag in Afghanistan and in South Africa—Afghanistan alone, he believed, had cost £17,400,000 during that period. England admitted that Ireland had a great many grievances to complain of, and acknowledged that many of those grievances, and much of the poverty under which Ireland laboured, were due not to any Irish fault. It was not much to ask, then, that the natural wealth of the country should be allowed to remain in Ireland, and that this experiment should be begun, not extravagantly, but after carefully weighing all the circumstances, in the hope of establishing a new era. Ireland had the labour and the land, the Government possessed the money, so that all the necessary elements were at hand; and he was certain that if the Government carried out the proposal they would not be in any way injured, and they would have the approval of all who had the interests and welfare of Ireland at heart. Hon. Members knew what immense sums of money had been laid out in India to keep the Hindostanee from starvation; and the railway system of India, apart from its commercial value, had been instituted by the Government mainly for the purpose of taking supplies to districts which required them. Irishmen had been for 700 years under English rule, and subject to privations all that time. They had a right to ask that England should do for them what she had done for the Hindostanee. The waste lands of Ireland were increasing every day, and the strong arms and healthy men of the country were leaving her ports because they were not able to subsist. There was no industry in Ireland for unskilled labour other than that connected with the land; and if the Government would only take possession of the waste lands, and grant them under favourable conditions to the peasantry, he believed the experiment would have every chance of success. Her Majesty's subjects in Ireland had quite as good a right to generous treatment as had her subjects in India.

MR. J. W. PEASE said, he had taken no part whatever in the discussion of

this Bill hitherto, because he had been anxious to see it pass into law, and to leave discussion to those who best understood the question from an Irish point of view. But this was another attempt to place the Irish hand in the pocket of the Chancellor of the Exchequer in an unreasonable way, and, as representing a large industrial population, he felt bound to say a few words upon the proposal. In almost every difficulty under which Irishmen laboured they asked for Government assistance. An Irishman in Ireland seemed to be wanting in every kind of self-reliance; but the moment he got out of Ireland he became a man full of self-reliance and confidence. [MR. HEALY: How is it?] The proposal now made, if carried out, must be conducted either at a loss or at a profit. If at a loss, the Irish people would say—"The English Government must help us to pay for it." If at a profit, they would keep it to themselves. If the land was capable of being reclaimed at a profit, why should not the Irish people do it for themselves, with the aid of that English and Scotch capital which would flow into Ireland as soon as its present condition of unsettlement was ended? But he himself did not see how these reclamations were to be brought about. He had had some experience of reclamation in the North, and he knew that the land now under farming was under-stocked. It would be a much better plan to stock that land which was now under-stocked both in England and Ireland than to attempt the reclamation of wastes. There were hundreds of thousands of acres of land which had gone out of cultivation and been laid down in grass in England and Scotland within the last few years, and there were many farms under-stocked. If the Government wished to do a patriotic thing at the expense of the Treasury they had better stock these farms than begin with the reclamation of waste lands. If they were to speculate in land at all and to become land-jobbers they had better speculate in cultivated lands, and cultivate them better, and thus find employment. He had no confidence whatever in the reclamation of waste lands, for he had tried it over and over again himself, and had spent upwards of £20 an acre on land that would not let afterwards for £1 an acre. And the mere cost of reclamation was not all, for buildings had to be put up; and as

soon as the people gathered together in one spot they had to have places of worship built for them, and schools, all of which added very materially to the cost. He had very little confidence in the Government doing such things as arterial drainage—such things were much better done by private enterprise. Government-built buildings, too, were generally much less adapted to the requirements of a district than privately-built buildings, and the people who worked for the Government knew as a rule that they had the Government purse to draw upon, and they seldom worked like people who worked for private enterprise. Then, again, the moment the Government went into the market to buy land, that very fact would immediately raise the price of land all over Ireland, and private persons who would otherwise buy and improve land would thus be heavily handicapped. Then, how was the money to be redeemed? An interest of 3 or 3½ per cent would not be paid for out of the rent when churches and schools had been built, and the Government must remember that they had the redemption of the money to look to, and the speculators in enclosure had to consider also that repairs and taxes would have to be provided for. He believed that a kind of Roving Commission, sent out by the State to buy land here and there, in order to place the tenantry upon it, would be an act most false to all the principles of political economy. Then, who were to select the tenantry “of approved character and competency?” Were the Commissioners to have the selection? He had a strong objection to Government-appointed tenants, and a still stronger objection to the proposal, inasmuch as it would increase at least for a while, and probably a long while, the lands held in mortmain, which had proved such a terrible incubus in dealing with the Land Question. While he should be glad to see the experiment of a peasant proprietary tried in Ireland, he certainly would have a strong objection to its being tried on the lines laid down by the present Amendment.

MR. JUSTIN MCCARTHY said, he had not been surprised to hear the speech that had just been delivered; in fact, he had been looking for some speech of that kind all through the debate—a speech delivered from what he might call the high- and -dry, old-fashioned

political economist's point of view. They had now had it put before them in all its narrowness and rigour; but he thought it had come rather too late in this instance. It was rather too late in the day to begin talking of the principles of that school of political economy, when there was not a single line or clause of the Bill that did not go right in the teeth of those principles, and its very introduction was a confession that there was a condition of things now in Ireland which was not to be got rid of by an adhesion to the antiquated doctrines of a narrow sect. The hon. Gentleman had spoken of putting the Irish hand into the English pocket; but he seemed to forget that the English hand had been a good deal in the Irish pocket. Whenever a foreign war had been undertaken by English statesmen to maintain England's prestige—and Ireland, it should be remembered, did not gain, even in prestige, from such wars—Ireland was taxed beyond her fair proportion. The hon. Gentleman had asked why what was now proposed could not be done by private energy and capital; but the answer was that Ireland was now reduced to such a miserably poor condition that the practical benefit of the working of this Bill must be very slow. Profit for private enterprise could be much more quickly found in other fields, and mere speculators would not look to work of this kind as an investment for their money. The work must be begun by the State, or it could not be done at all. He had been much interested in the speech delivered last night by the hon. Member for Galway County (Mr. Mitchell Henry)—a speech of much ability, force, and earnestness. He was reading only this very day a report of a remarkable debate which took place in this House a little more than two years ago; it was a debate on the Motion of the First Commissioner of Works (Mr. Shaw Lefevre), who called for an extension of the principle of the “Bright Clauses.” There was a remarkable speech made in that debate by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright), and in the course of that speech the right hon. Gentleman admitted again and again that the “Bright Clauses” had failed of their object because there was wanting some special machinery, some

*Mr. J. W. Pease*

direct agency, to put them into operation. Now, that was exactly what the Government so far had failed to supply by their clause in the present Bill. They offered to advance a certain amount to promote certain works; but the very thing wanted, and the lack of which the Chancellor of the Duchy of Lancaster declared two years ago was the defect of the "Bright Clauses," they did not give—they did not supply that direct agency by which the work might be carried out, and by which the end sought to be reached would alone be directly attained. In the course of that speech the right hon. Gentleman went back to the days of the discussions of the Land Bill of 1870, and he showed what was the pressure and difficulty by which that Act was carried. He told the House of Commons that while that Bill was being discussed the condition of Ireland was one of most serious difficulty, that a state of terrorism existed all over the country, that there were distress and disaffection everywhere, and the right hon. Gentleman added the remarkable statement that if the Bill had not been passed there would have been a general, a universal strike against the payment of any rent whatever to the landlords of Ireland. Hon. Members who thought that the Land League was the parent of all the recent difficulties in Ireland would do well to remember the words of the Chancellor of the Duchy of Lancaster, spoken before the Land League was in existence, and describing the condition of Ireland nine years farther back. The right hon. Gentleman asked how could such a strike be met? Would it be possible, the right hon. Gentleman inquired, to collect by force the rents of 600,000 occupiers? He declared that the defects in that Land Act had rendered it unsuitable and unavailing as a thorough and radical cure for the difficulties under which Ireland laboured. Were they to benefit anything by the instruction given them in the discussion to which he had referred? They had heard a good deal to-day and on other days about the interests of that much-to-be-pitied personage, the British taxpayer. He had no great pity in this matter for the British taxpayer. He did not mean to speak harsh words of all the British taxpayers, of whom he happened to be one himself—he spoke of the British taxpayer living in this country—but if the Bri-

tish taxpayer was required to pay just now a little more than he liked, he was being served very right. The British taxpayer was responsible for all the bad government of Ireland. To please the British taxpayer every good measure to Ireland had been denied and every bad measure passed. This had been so for the last century and more; it was so in the days before the Union, and it was so still. It was to please the British taxpayer that Burke was unseated at Bristol, and that Fox was driven into retirement. It was to please the British taxpayer that coercion was lately introduced into Ireland; to please the British taxpayer stories of outrages had been manufactured wholesale in Ireland as Brummagem idols were manufactured for African savages; it was to please the British taxpayer—

THE CHAIRMAN: I must point out to the hon. Member that he is going considerably beyond the Amendment.

MR. JUSTIN M'CARTHY said, he was only answering the objections made over and over again to what was advanced by his hon. Friends and himself; and he merely wanted to show that that respectable personage, the British taxpayer, was the one who ought to pay the expenses of a work of this kind, because, to please him, Ireland had ever been misgoverned.

MR. E. COLLINS said, that nothing would prove of greater benefit to Ireland than a proper system for reclamation of land and the employment of the poor, and now unemployed, people. He sympathized with the views of hon. Gentlemen opposite; but it was the depth of that sympathy that induced him to believe that his hon. Friends did not approach the matter in the most practical manner. The object they all had in view was not to make a display in this House or before the country. He was perfectly conscious that every one of his hon. Friends who sat on the opposite Benches felt as earnestly in the matter of the effective and proper employment of the people as any individual in the Kingdom; but, as a practical man, he would like to examine the subject shortly. Now, what was proposed? It was proposed that the State, through the Land Commission or the Commissioners of Public Works, should take up one of the most difficult processes, and certainly the most laborious and

[*Twenty-fifth Night.*]



most risky of all industrial enterprises, that men could engage in. To carry out the work a staff would be required; there would be managers, and engineers, and other officials; and, in his opinion, a most ruinous and demoralizing system of patronage would be introduced into the country. If the great object in view was to be effected, the direct management of the matter must not be under the State. The end in view must be accomplished by intermediaries of the most effective and practical character. It must be by local communities, whether they might be Boards of Guardians or Local Boards of one kind or the other; or it must be through Companies or Associations of capitalists; but certainly not by direct dealings with individual occupiers. At all events, for the State to deal with the matter directly was so impracticable and unreasonable that he could not support the idea for one moment; and he would like to see his hon. Friends who were so deeply interested in the subject applying themselves to a more practicable form of dealing with the question. He did not speak as a novice on a subject of this kind, for he had devoted a good deal of time and attention in another country to witnessing the organization of a system of land tenure by peasant proprietors and the improvement of the condition of the peasantry. He would like to say, for the information of some of his Friends, that in Russia the State did not deal with individuals; the State did not dispose of land to individuals, but to communities or communes. They handed over the land to communes of, perhaps, 200 to 2,000 persons. These communes had an entirely independent local system of administration. They acquired the land from the State; they apportioned it amongst their numbers, collected rents, and stimulated industry; and in the event of any man being thriftless, or inattentive to his duties, they removed him. Every three years they supervised the whole management; but in no case that he was acquainted with did the State deal directly with individuals. In conclusion, he must point out that the question under consideration was not one of loss or gain to the Treasury, but how they could best restore the people who during the last few years had gone through such great misery to a condition of contentment and tranquillity.

*Mr. E. Collins*

Mr. O'CONNOR POWER regretted exceedingly that his hon. Friend who had just addressed the Committee should have deferred until this stage stating his objection to any Commission being empowered to buy land and to sell it to individuals. The hon. Gentleman voted for the 20th clause of this Bill; and what did that tell them? It told them that any estate might be purchased by the Land Commission for the purpose of re-selling to the tenants. The hon. Gentleman had simply joined the hon. Member for South Durham (Mr. J. W. Pease) in raising artificial objections to a plain business-like proposal. The hon. Member spoke of his experience in Russia, and objected to their proposal as being of an impracticable character. He asked the hon. Gentleman, who was an Irish patriot and an Irish Representative, how did he justify his silence? Where was his proposal? They would like him to favour them with some net result of his great foreign experience, instead of sitting still while questions of great interest were being discussed, and only contributing his objection to the feeble wisdom of his Colleagues. They had had a speech from the hon. Member for South Durham, which they must regard as important. Next in rank to the Chancellor of the Exchequer, he had spoken as a defender of the British taxpayer. The hon. Member said the poverty of Ireland was to be accounted for by want of self-reliance and enterprise on the part of the people. He said that Ireland made no progress; but the Imperial Government was not responsible. [Mr. J. W. PEASE: No!] He (Mr. O'Connor Power) felt too deeply upon this question to have listened to the hon. Gentleman with any want of attention. He followed him as closely as he possibly could, and he distinctly referred to the want of self-reliance on the part of the Irish people. Then the hon. Gentleman, with that fairness and candour for which he was remarkable, admitted that as soon as an Irishman crossed the Channel—as soon as he came over in the steamer, and arrived in Durham, Northumberland, or Lancashire—his character was immediately transformed; he became, instead of a lazy, thriftless, uneconomic labourer, an industrious, thrifty, and hard-working fellow. Surely, the atmosphere of England must be so dry, and crisp, and

stimulating to the poor Irishman that the moment he set foot on English soil, he become transformed from a lazy blackguard into a marvel of industry and self-reliance. Now, what were the facts? The facts were that the man was working in one country with a security of prospective reward for his labour; while in the other country he was deprived of every element of security, and he was surrounded by men of capital who had no sympathy with him or the country to which he belonged. Whenever a proposal like the present was made, the Irish people were lectured for their want of self-reliance. Now, when he was speaking to his constituents in Mayo he happened to give short lectures himself on the very same subject, and simply because whatever truth there was in an accusation of this kind could be most advantageously ventilated when they were dealing face to face with the people themselves. He had never been amongst those who taught the Irish people to be constantly looking to the Imperial Parliament for the means of stimulating Irish prosperity; but there were two sides to the question, and the side which affected the British taxpayer and the responsibility of the English Government towards Ireland was the side which it was his duty, as an Irish Representative, to present to the consideration of hon. Gentlemen. The hon. Member for South Durham said—"Why enter upon the cultivation of waste land? There is a good deal of land which is not yet waste which ought to be stocked." He did not know what meaning the hon. Gentleman attached to the term "stocked;" but if he meant stocked with cattle, all he (Mr. O'Connor Power) could say was that such an argument had nothing to do with the subject in hand, for why were they so anxious that these lands should be entered upon and allotted? Simply to remedy the most crying evil with which Ireland had been afflicted for the last half-century, the evil arising from small and miserable farms, upon which it was impossible for the people, if they were required to pay no rent, to wring out a comfortable subsistence. The hon. Gentlemen, too, was under a misapprehension as to the real purport of this Amendment. He seemed to think that the proposal of the hon. Member for the City of Dublin was that the Commission should not only purchase

these waste lands, but, having purchased them, should enter upon their reclamation; that they should try to reclaim them by a system of hired labour. But that was not the proposition at all. The only thing that they wanted the Commission to do was to initiate and complete the purchase of these lands. The land could be bought for a few shillings an acre, and advantageously allotted. They were constantly asked—"Why, if it be economically advisable to enter upon the cultivation of these waste lands, do not individuals buy them?" Take, for instance, the case of the Irish fisheries. They did not hear of the establishment of any English or Irish Companies for the development of the Irish fisheries. Did it not, therefore, follow that the Irish fishermen, if fairly encouraged in their industry, could enter upon larger transactions with great profit? They had the Report of the Canadian Committee, which told them of the enormous advantages which had resulted from the very slight contributions which were made to help the fishermen in their industry. ["Question!"] He thought the illustration was quite to the point. What did it prove in an economic and commercial sense? It proved that they could cultivate land in Ireland not by a system of hired labour and large farms, but by helping men to live on the land and by the land. Ireland's demand on the Exchequer was not the demand of a beggar. He believed that not a single penny that would be advanced by the Treasury under this Amendment would be lost to the State. In course of time it would be paid back again. The industry of the new proprietors would be profitable, and, in course of 30 or 35 years, he was sure they would be able to pay all their liabilities. The Government, he was bound to say, seemed to have paid attention to suggestions coming from the Irish Members on this Bill in almost every particular except this, the reclamation of waste lands. He did not say that Her Majesty's Government had not made considerable advances in the direction of Irish opinion; but what he wished to say was, that if they did not go any further than they had already gone, they would leave Ireland as she had been during the last half-century—a prey to periodic famine. No amount of re-arrangement of the relations between land-

lord and tenant could get rid of facts and figures in Irish society which were constantly being brought forward, and which they were only too willing to study when Ireland was on the verge of famine and in a state of semi-starvation. When Ireland was in this condition, any Government might come down in a panic and induce the House of Commons to enter upon a large expenditure; but expenditure at such times was mostly entered upon too late. In face of a national calamity not infrequently the Government were reckless in their expenditure; but, in this case, they did not ask for recklessness. What they wanted was that the Government should not bask in the sunshine of one favourable season, and that they should not, because they had passed the Relief of Distress Act a year or two ago, and now were bringing in this Land Reform, think that they had nothing to fear from a recurrence of Irish famine or semi-famine. What he contended was that they would have the same difficulties to encounter. What were these difficulties? Irishmen were sometimes accused of dipping in the colours of their imagination in addressing the House. He could only, on this occasion, deplore the want of a power of imagination, and his utter inability to appeal to a pictorial rhetoric which only would be adequate to describe the perfect misery in which tens of thousands of the people of Ireland were living at the present moment, and which might involve them in starvation again as soon as they were subject to a succession of two bad harvests. What took place in the discussion on this Bill last year? It was his duty to call the attention of the House to the condition of the crowded districts in Mayo, Galway, and other parts of the West of Ireland. He read the reports that had been sent to the various Relief Committees—the Mansion House Committee, the Duchess of Marlborough's Committee, and the organization of the Land League in Dublin—and what was the impression the House of Commons gathered from those reports? The impression was to be gathered from the unanimous Resolution adopted and sanctioned by the Chief Secretary for Ireland, which Resolution declared that—

“The present condition of the agricultural population in Mayo, Sligo, Galway, and other parts of the West of Ireland, demands the

serious and immediate attention of Her Majesty's Government.”

Now, he would put this question to Her Majesty's Government—What had they done since that Resolution was inscribed on the Records of the House? They had had quotations from the Report of the Registrar General which was issued not long ago. In that Report they were told that there were 94,000 one-roomed cottages in the West of Ireland in which families of five or six persons slept and lived together during those portions of the day when they were not occupied on their farms—in which they lived and slept with all the hens, and ducks, and geese, and dogs, and asses, and other animals which they were able to maintain amongst them. That was the wretched and miserable condition of these people. The Registrar General described also the condition of their farms—how small they were, and how miserable were their dwellings. It was utterly impossible that the House of Commons should look calmly on the revelations made from time to time, and to say there was nothing to be done, and that the matter would have to be left to regulate itself by the ordinary rules of supply and demand. It was said—“If these dwellings are too crowded, why don't the people go out and get lodgings somewhere else?” But surely they had abandoned all that kind of reasoning. They stuck at the gnat, having swallowed the camel already in a previous clause of the Bill. They now refused to sanction that which, he believed, would do more to lull the wave of Irish complaint, so oppressive to Englishmen and so humiliating to the Irish Representatives, than anything else—they refused to do that which would be more productive of good than any clause in this Bill. He would say to the right hon. Gentleman the Prime Minister and the Chancellor of the Exchequer that Ireland had a claim on the British taxpayer in this matter; and he would tell them why. The right hon. Gentleman could not be ignorant of the fact that to past Governments in this country was attributable the destruction of every Irish industry. To past Governments in this country was attributable the maintenance of that land system which two of the greatest efforts of the right hon. Gentleman's magnificent career had been devoted to remedying. How had

*Mr. O'Connor Power*

these crowded districts been brought about in Ireland? They had been brought about by the process of eviction from the better lands; the poorer people had been evicted from the rich land, and had been chased up the mountain sides, and there, when they had scratched the hills and managed to secure a scanty living, they were chased further up, until, as was to be seen in parts of Mayo, they were to be found, like the eagle, nestling amongst the rocks and caves on the mountain tops. But even there they showed their industry, which, at all events, enabled them to live. Even if the Treasury were to suffer a loss in entering upon these transactions, he would not hesitate to make an appeal to the right hon. Gentleman, because he would say that England and the Governments in this country had, in time past, stricken down by the iron hand of the law the rising industries in Ireland, and had done nothing since out of their bounty to repair the ruin they had wrought. On these grounds—on the ground of historical justice, if on no other—he appealed to the Government to grant a permissive power to this Commission to purchase and reclaim these waste lands, and so to repair to some extent the injustice which, in times past, they had done to the tenants of Ireland.

MR. GLADSTONE: The hon. Gentleman who has just sat down has addressed the Committee with his accustomed ability; and I am bound to say he addresses it with great advantage, because no later than last night he gave evidence of the intensity of his desire that the Government should retain in the Bill some lines which they were required reluctantly to surrender in reference to the local communities of Ireland in their relation to the lands in the baronies. These lines were struck out in consequence of considerations put forward by the Irish Representatives. But the Irish Representatives to whom I refer are now urging upon us—and they expect to carry their view by persistence—the adoption of a plan which it has been our duty, on the part of the Government, to declare in plain terms we could not adopt, and which has not yet received the support of one single Member amongst the 550 who are the Representatives of Scotland and England. Now, at this period of the de-

bate, I think it is my duty to clear the ground as far as I can, inasmuch as the inclination and intention of the Government, though they cannot bind the Committee, yet are an element for its consideration. And with regard to its intention, it is my absolute duty to say that I am surprised that hon. Gentlemen should go on in their speeches saying again and again that these things deserve the consideration of the Government, and should go on making appeals to us long after we have declared in the plainest words that we are bound to refuse to accede to any such applications. Now, I would say this—that I have very grave doubts whether, if the Government were to abandon their present intention, they would be able to induce those Members of Parliament who represent English and Scotch constituencies to allow the State, through the Land Commission, or through the Board of Works, or both, to be purchasers of unreclaimed lands in Ireland for the purpose of bringing them into cultivation under the responsibility of the Government and entirely at the cost of the State. I do not believe myself that it is within the power of the Government to do this, though the House has done much on the solicitation of the Government. This House, I say, has acceded to much to which it was reluctant to accede; and many hon. Members from Ireland seem to take no account of that. The hon. Member for Longford (Mr. Justin M'Carthy), how does he take account of it? He expressed no acknowledgment, no gratitude to the House—[Mr. HEALY: Not a bit.] He expressed no acknowledgment, no gratitude to the 550 Representatives of England and Scotland for the provisions they have adopted in this Bill—the extraordinary measures they have adopted in this Bill out of consideration for the circumstances of Ireland. The only use that is made of them is the use made by the hon. Member for Longford, who says these measures have destroyed all reasons for having regard to economical principles; and he denounces all reference to principles of political economy and the old-fashioned doctrines of the narrow school. Departure from all ordinary considerations is the doctrine of the hon. Gentleman. The hon. Member actually went this length—exceeding, I should say, what hitherto I have heard

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any Member from Ireland put forth in the course of this Session—that for a century or more the Government of this country has denied every good measure to Ireland, while every bad measure has been passed.

MR. JUSTIN M'CARTHY: What I said was that every good measure which had been denied had been denied in deference to the opinions of the British taxpayer. I did not say that every good measure had been denied, whilst every bad measure had been passed.

MR. GLADSTONE: I cannot abandon altogether my own recollection. I took down the words of the hon. Member at the time, and I stand on those words, whilst admitting that the hon. Gentleman's recollection may be perfectly good, at all events, as to what he intended to say. Let me see what sort of topics have been used in these appeals to the Government. One hon. Member says—"You spend enormous sums in wars. You (the English Parliament) have spent £17,000,000 on the Afghan War; and, that being the case, can there be any objection to spending a little more in reclaiming the waste lands of Ireland?" Well, I would ask, did the Members for Ireland endeavour to prevent the spending of that £17,000,000? ["Yes!"] Well, then, look at the Division Lists, and I will undertake to say you will not find a single one in which the majority of that portion of Members, who especially call themselves the Irish Members, took part in checking, or in endeavouring to check, that military expenditure. And, then, Sir, this is all laid on the English Parliament. They say—"You have always been misgoverning; you have always been doing this and that evil to Ireland." Yes; but, after all, let us recollect that Ireland is represented in this House in a much larger proportion to its numbers than is Scotland. [Mr. PARNELL dissented.] The hon. Member for the City of Cork (Mr. Parnell) shakes his head, and implies that 63 Members for 3,500,000 people are a larger proportion than 103 Members for 5,250,000. Such is the arithmetical doctrine of the hon. Member for the City of Cork. I must say it is quite time that those who sit here in such numbers and in such power—in numbers beyond the proportion to which the population of Ireland entitles them—should cease from this habit of speaking

*Mr. Gladstone*

as if they were petitioners at the Bar, and had no votes to give along with us, the Representatives of the other portions of the Kingdom, in governing the deliberations of this House. Works for the reclamation of land, they say, have been executed in England. Truly, but have these works been executed at the expense of the British Exchequer? I should like to see what response a Minister who proposed to expend public money upon the execution of public works in England would meet with at the hands of the Irish Representatives. Well, the hon. Member who last sat down most fairly grappled, as he thought—and no man is more capable, in general, I think, of judging of the efficiency of his own argument—with what he felt to be the formidable objection of my hon. Friend the Member for South Durham (Mr. J. W. Pease). My hon. Friend had the courage to say to hon. Members opposite that he was surprised that they had not formed themselves into Companies for the purpose of carrying out profitable works in Ireland, and he pointed out to them that they would be sure, looking at the extent of their credit with the people, of more support than anyone else. The hon. Member said he could give a complete answer to this, and his answer was that there were no Companies formed for the promotion of Irish fisheries, although no one could say that Irish fisheries did not produce a profit. Well, but who has heard of any Companies being formed for the promotion of English or Scotch fisheries? The illustration was the most unfortunate that could have been made, for all experience seems to prove that fisheries are a description of enterprise which must be carried on by individuals, or, at least, by persons on co-operative principles. Now, what is the proposal before us? It is that the State has to come into the field and is to acquire uncultivated or waste lands; it is to acquire them by purchasing them from the landlord and by buying off the tenants' rights of pasture, which very generally extend over these waste lands. That double operation the public agent is to conduct in the first place. The State is then to find occupiers, among whom it is to divide the land in certain lots of 20, 30, or 40 acres, be it what it may, and these occupiers have, and can have, no security to give on lots which

are still waste, or the means requisite for cultivating the holdings; and this plan is described by the hon. Gentleman who has just sat down, and who usually speaks with moderation in these matters, as "a plain, business-like proposition."

MR. O'CONNOR POWER: Allow me to mention that the security of the land is there. The Commission can repossess themselves of the land if they like.

MR. GLADSTONE: Yes; a very agreeable thing to do—to repossess themselves of this waste land, the tenants decamping with the advances which have been made to them in order to enable them to bring it into cultivation, and the Commission having before them the hopeful and pleasant prospect of re-commencing the same operations. So much for the "plain, business-like proposal" of the hon. Gentleman, whose interruption, I think, was scarcely necessary. Let us look at this question as a matter of business. In my opinion, there is the greatest force in the objection taken by the hon. Member for South Durham, that to throw more lands into mortmain by casting them into the hands of the Government is an operation to which it would be difficult indeed to reconcile a British Parliament. But that is not all. As to the nature of these operations, we have authorized loans to the landlords, and we have authorized loans to the tenants, and now we authorize these advances for purposes which, I believe, are absolutely so comprehensive as to be universal. But this does not content—nothing will content—hon. Members from Ireland, except that the State itself shall become the undertaker of enterprises which nobody else in the world would undertake. Now, of all enterprises connected with agricultural improvement, there are none so difficult and slippery and hazardous as the reclamation of land. There is no question more contested, there is none upon which it is more easy to produce a multitude of opinions equally confident on both sides; and the question is, whether there is or is not in Ireland any large quantity of land which is capable of profitable reclamation? Be that as it may, what I wish to say is this—that, according to universal experience, the reclamation of land can only be carried on with success, and is hardly ever attempted except, in the first place, by private enterprise, and, in the second

place, in minute detail. How is it that the people have crept up the hillsides of this country? Why, it has been by small efforts, made by the landlords or the tenants—by proceeding in detail.

MR. O'CONNOR POWER: Will the right hon. Gentleman allow me to interrupt him. We do not propose—

MR. GLADSTONE: I have described the scheme of the hon. Gentleman.

MR. O'CONNOR POWER: No. We do not propose that the Land Commission should do it at all.

MR. GLADSTONE: I did not say that. The Land Commission is not invited to do it. The Land Commission is only invited to take upon itself the whole cost and responsibility of its being done. The Land Commission is not to have the slight chance of success which, perhaps, it might possess if it used its own instruments, but it is to undertake the whole cost and responsibility—to purchase out the landlord, to divide the land, to procure the people to occupy it, and supply them with the money necessary for effecting the object. I think the hon. Gentleman's interruption was unnecessary. This, of all agricultural problems, is the very worst to put into the hands of the State; it is the most doubtful, the most slippery, and the most hopeless to be undertaken by anybody, except by those who watch every detail under the influence of the motives that secure success in industry—namely, the desire and the earnest intention of the profitable application of every resource. I want to know whether it is a very easy thing, even for private persons, to make this land reclamation—to take large tracks of unreclaimed land, and parcel them out in lots, and to find the people and put them upon the holdings, and, having done that, to supply them with money for the purpose of effecting the reclamation? The last considerable attempt at reclamation that I have heard of—in fact, the only one that I have heard of of late—is going on now in the hands of a landlord in the North of Scotland. It is universally acknowledged to be most creditable to the person who has it in hand; but I am sorry to say that every account that reaches me is to the effect that, in a pecuniary sense, the operation has been a mistake. Successful reclamations of land has never been made by the State—hardly in any case, indeed, has the

State attempted it—but, speaking generally, the successful reclamations are not even those made by the landlords. They are made by the tenants, in a great degree, on their own responsibility, by the application of labour at times when their energies are not otherwise profitably at work. The successful reclamations are made in the same way that cottage gardens are made profitable, by the economization of the labour of the various members of the family when not employed in other ways, by the application to the land of the most thrifty principles of good cultivation. It is now proposed that it should be undertaken wholesale by the worst of all agents—namely, the State, and by the very worst of all methods—namely, that of finding all the money and committing the execution of the plans to persons who, after all, can have but a very imperfect acquaintance with the subject. Under these circumstances, hon. Gentlemen will not be surprised when I repeat what I have said as to what we believe to be the limited power of the Government for the purpose of carrying out such a plan as this, and when I say that the declarations of the Government on the subject are final and absolute.

Dr. LYONS said, he appealed to his hon. Friends, after the very full discussion which had now taken place, that they should permit the Amendment to go to a division. The Prime Minister—and he said it with all respect—had not approached the consideration of the subject from the most friendly point of view, and he did not seem to think the matter was capable of being put before the Committee in any other aspect than that in which he had considered it. After the protracted debate which had now taken place on the subject, it appeared to him that no good practical result would follow from continuing the discussion at the expense of the other important portions of the Bill which were to follow. He had not heard a single argument from any hon. or right hon. Gentleman to in the slightest degree weaken his faith in this proposal; and he ventured confidently to predict that this was a proposal which, if it were rejected now, would be very often heard of again in the course of the next two or three years in the shape of amending Bills to the measure now before the

Committee. The right hon. Gentleman had made some reference to an accumulation of land in mortmain; but he would point out that this argument had no application whatever, because it was not contemplated in this scheme that the Land Commission should be for any lengthened period in possession of the land. The Commission would merely be transferers of the land, when purchased, to those individuals who were to carry out the reclamation. And, with regard to the necessity for agents going round the country inviting persons to come and occupy plots that were parcelled out, there was such a recognized demand on the part of people in crowded districts for fresh fields to go to within the limits of Ireland that he did not believe it would be necessary to use agents, but that a mere advertisement, stating that such-and-such lands were to be let would be sufficient to call forth innumerable demands for allotments from all parts of the country. The right hon. Gentleman had not alluded to an experiment in the matter of reclamation which was made some years ago by the Government, and yet that experiment fortified this proposal very materially. This experiment was an extensive system of reclamation which took place in the county of Cork on lands at King William's Town. The Government, at a time of great depression, undertook the reclamation of a large tract of land. Allotments subsequently were sold, and the purchasers of these lands had since utilized them, and, in many instances, had re-sold them out at enormous profit. As he had no doubt that this subject would arise again before long, and as they had had a very full discussion of the question, he would ask hon. Gentlemen opposite to allow the Amendment to go to a division.

Mr. CHAPLIN said, that, as one of the 550 English and Scotch Members who had taken no very active part in this particular discussion, he should be grateful if the Committee would allow him to say a few words. In the first place, he was not altogether in favour of the Amendment as it stood. At the present time, he should not be disposed to support any Amendment which involved the compulsory acquisition of land from the landlord; and he should, therefore, propose to amend the Amendment by inserting the words "with the consent

of the owner." Further than this, he would propose that it should be stated that the land should not be sub-divided into allotments of less than 30 acres each. Having said this, he must say that he heard with great surprise the speech from the Prime Minister, or that part of his elaborate argument which was against the reclamation of land altogether. When he heard the right hon. Gentleman expressing these views, he could not help asking himself why was this clause inserted in the Bill at all. The Government gave powers for the reclamation of land; therefore, he considered the speech of the right hon. Gentleman hardly in accordance with the terms of his own Bill, nor did he think the right hon. Gentleman altogether understood the scheme proposed. As he (Mr. Chaplin) understood it, the object of the Amendment was that money should be advanced to private individuals for the purpose of reclaiming this land. The reclamation was not to be carried out by the State. The right hon. Gentleman said it could only be carried out successfully by private enterprise and by careful attention to minute details; but that, it seemed to him, was really the intention of this proposal. Private people would carry out the enterprise, but they would be assisted by money from the Treasury, and he therefore could not see any great weight in the objection taken to the Amendment by the right hon. Gentleman, more especially when he remembered what they had already done in this Bill. There was one objection which he should have thought would have had some weight on that (the Conservative) side of the House—namely, that there would be no security for the money invested; but, if so, what became of the arguments as to the value of the tenant's right and occupancy which was to be security for all sorts of advances? In Heaven's name what was to be the security for the landlord's rent? It was said that the scheme could not possibly pay, and that the Government could not be responsible for advancing the money of the State. But why was this objection raised for the first time now? They had now to advance large sums of money from the State for the purpose of buying estates, in order that they might be re-sold to the tenant, and it was doubtful whether that daring proposal would

be a success. He was ready to give a fair trial to the scheme of the Proprietary Clauses of the Bill, not because he thought they would pay, but because he attached great social and political importance to the scheme. What were these holdings? He would read one or two statements from the Report of the Special Commissioner of Agriculture. The Commissioner spoke of a table which, he said, showed that they had 100,000 holdings, not one of which exceeded 30 acres; that they had 300,000, not one of which exceeded 15 acres; and 130,000, not one of which exceeded 5 acres; and these were the holdings which they were about to advance the money of the State to enable the tenants to purchase, and that in the face of evidence given before the Commission, that even if these holdings were rent free no one could possibly secure a decent living on them. If they were prepared to make such an advance on security which they had had in evidence was insufficient, why should they be alarmed by the proposal of the hon. Gentleman opposite? This proposal which dealt with reclamation and emigration was free, at all events, from one objection that attached to the Proprietary Clauses of the Bill. Thus they were going to make the tenants owners of their holdings, whether they were little or great, or whether it were possible for them to obtain a livelihood on them or not. They had the matter under their own control, and in acquiring the land and dividing it they could cut it up in such portions as they thought fit, and in such portions as would enable the people to obtain a decent livelihood upon it. And what were the arguments in favour of this proposal? After all, they must remember that the great difficulty they had to deal with in Ireland was this, that in certain parts of the country—and it was impossible for Irish Members to deny it—people were crowded together, and as long as they continued in their present state no one could expect any real or permanent improvement in their condition. An hon. Member said on the previous night that the discussion of this question was a mere interference with the onward and proper progress of the measure, and that this Amendment was entirely beyond the scope of the Bill; but surely that must depend upon what the hon. Member's opinion of the scope

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of the Bill was. What was the scope of the Bill? As he understood it, the Bill was intended to mitigate, in some degree, the miseries of the people of Ireland. What did they consist of? Every authority was agreed who had ever spoken on the subject, that in the West of Ireland the state of things he had described was such as to render any real improvement in the country impossible as long as the people remained as they were. ["Divide!"] He was sorry to trespass on the time of the Committee, but he had always regarded this as one of the most important questions in connection with the Bill. Would the Committee allow him to refer them to the evidence not only of the majority Report of the Duke of Richmond's Commission, but also of the minority Report? Both of these Reports were agreed, after a large amount of evidence which had been taken, as to what lay at the root of all this trouble in Ireland. The majority attributed the miseries of Ireland to excessive competitions for rent. The Commissioners said, apart from the land, there were few if any other means of subsistence for the population, and that serious abuse had been the result. Other causes of the distress were said to be unreasonable desire for tenant right, arbitrary increase of rent, overcrowding in certain districts, and minute sub-division of farms. There was nothing in the present Bill to remove or mitigate in the slightest degree that which they had before them as the main cause for the distress in Ireland. ["Question!"] If the distress in Ireland was not the question, he should like to know what was. With regard to the minority Report of the Commission, they stated that amongst the causes capable of removal or mitigation by legislation the most important was the extreme smallness of many of the agricultural holdings, and the overcrowding of the population where the land was poor, and where occupiers often depended for a livelihood on occupation in Great Britain during a portion of the year. But what did the Report say as to the remedy? It offered a great many other remedies, he admitted, but it said the Commissioners believed that an effort should be made to relieve by State intervention the over-populated districts. This was the opinion of the right hon. Gentleman's own Friends; but notwithstanding all the evidence they had

had on this point, the Prime Minister thought fit in his discretion to get up and tell the Committee at an early stage in the discussion that his decision was final and absolute. Whether it was final and absolute or not, he (Mr. Chaplin) hoped before the Bill left the House that the Government would be induced to entertain a different opinion. He very much regretted the attitude the Government had taken upon this matter, more especially because they were resolved to do nothing with regard to migration. If they had not included in their Bill anything with regard to providing other means of employment for the people of Ireland, they had only one resource before them for remedying the condition of the people. Every particle of evidence he had heard on the subject was agreed on this—that the starting point of all in remedying the condition of the people of Ireland should be that of removing them from these crowded districts where it was impossible that they could live in comfort or decency. If they did not adopt measures for migration, they must resort to emigration; and he should be sorry to see emigration treated as the sole resort in this state of things. The least they could have expected from the Government was that they would have adopted such measures in this Bill as would have given to these poor people the choice between migration and emigration. If they had done this, they would have done something that he thought they had failed to do up to the present time—namely, something to permanently alleviate distress in Ireland.

MAJOR NOLAN said, he would not delay the Committee very long; but he thought he had some right to speak on this matter, inasmuch as he had the double qualification which had been referred to by the right hon. Gentleman. In the first place, he wished to make the local bodies responsible for some of this money which was to be advanced; and he would remind the right hon. Gentleman that on the previous night he asked a question upon this point. There were a large majority of the Irish Party in favour of making the local authorities responsible for part of the money, and he was one of that majority. The other qualification he possessed was this—that he was one of those Members who had voted against the expenditure on the Afghan War. No one had voted more

*Mr. Chaplin*

consistently against that expenditure than he had done. Well, hon. Members had been told that they ought to be very grateful for this Bill.

MR. GLADSTONE: I said nothing of the kind.

MAJOR NOLAN: Well, the Prime Minister complained of our ingratitude.

MR. GLADSTONE: I simply said, as a matter of fact, with reference to what the hon. Member for Longford (Mr. Justin M'Carthy) had said, that he had never used one syllable of gratitude and acknowledgment to the framers of the Bill.

MAJOR NOLAN said, he would like to ask what the Irish Members had to be grateful for? He was grateful to the right hon. Gentleman himself, because he had done so much, individually, in pressing the Bill on the House of Commons, and on a large portion of the Liberal Party. But they were asked more than this—to be thankful to the House of Commons. Why should they be grateful to the House of Commons—it must either be for their time or for their money? Well, he acknowledged that it had given a great deal of its time; but they could not be thankful to it for that, because they would, unfortunately, prefer to discuss the question in a Parliament of their own in Dublin. Even if the British House of Commons gave half its time to Ireland—and that, of course, would be out of proportion to the relative importance of the country—it would not be too much. As to their being thankful for any money, it had yet to be made out that money would be given to Ireland under this measure. In one portion of the Bill the money referred to was to be paid out of the Irish Church Fund, which was an entirely Irish fund. The money referred to in another part of the Bill was to be borrowed at 3½ per cent, and he had been reminded that money in a similar way had been lent to Birmingham at 3½ per cent. Therefore, he thought the right hon. Gentleman had taken every care of the Exchequer, and he did not see what the Irish Members had to be grateful for. Their great case was that the contributions of Ireland towards the Imperial Exchequer amounted to £8,000,000 a-year, while only £5,000,000 were spent in Ireland. There was, therefore, a surplus of £3,000,000 a-year; and he did not

think there was any room for an extravagant display of gratitude if they asked for a small portion of that surplus. He would not enter into an argument with the Prime Minister as to whether or not land could be reclaimed, but would merely say this—that he had gone into the interior of Connemara with Professor Baldwin, and in the course of his journey he found that whilst five or six miles from the sea there was no population at all, or none to speak of, when they got within a quarter of a mile of the coast it was congested. Professor Baldwin had pointed out several districts which could be profitably reclaimed, but who was to do it? The tenants could not. They could not expect the landlord to reclaim small patches; indeed, they could not ask him to send a few tenants into the middle of his fishing or shooting district in order to reclaim a piece of land. No doubt, it would pay him to send 1,000 families there; but, in order to do that, he would have to expend a great deal of money, and he would require very substantial assistance. Then, again, the tenants themselves would have to be shown how to reclaim land, and that also would require that assistance should be given by the State. It seemed to him that the Amendment was very fairly drawn, and he would give it his most hearty support. He really thought the Bill would fail to satisfy many large and poor districts in Ireland, unless something were done for the reclamation of the land. He had only mentioned one district in Connemara, but he was sure there were 20 such in Ireland.

MR. VILLIERS STUART said, that, as he had had a good deal of personal experience in the matter of reclamation, having himself reclaimed between 200 and 300 acres, and having a number of tenants on his property who had reclaimed mountain land, and had done very well on it, he hoped the Committee would forgive him, and not think he was trespassing unduly on its patience, if he gave them the result of his observations. The land he himself had reclaimed was in a mountainous district, and was not selected by any means because it promised a favourable result. It had been selected because it was a place where employment was greatly needed. When the operations were commenced he was assured that the

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work would never pay; but, at any rate, reclamation had been effected. Two hundred acres had been sub-soiled and 50 acres of the land had been placed under crop. The soil was light and porous, and it had been so stony that the country people had given it the name of "the mother of stones." The stones were got out of it, and oats, turnips, and potatoes were sown. At the present moment these crops were most promising, particularly the potato crop. Though he had not been able himself to go over and see it, yet he had been assured that it was one of the finest potato crops in that part of the country. The value of the land had been raised from 2s. to 10s. or 12s. an acre. The food-producing power of the country had been increased; employment for something like 200 men and their families had been provided; these people had been kept off the rates for 18 months; and though the financial result to himself might not be very brilliant, still he should not lose by the experiment. He would put it to the Committee whether this work had not been worth doing? They must not look merely at financial results, but consider the gain to the nation by increasing the food-producing power of the country and its capacity to support an increased population. On a part of his property the tenants had within living memory made reclamations from the wild mountainside, and they were now doing well on their farms. They were not only producing plenty of food for themselves and their families, but, by their surplus production, they had been enabled to put by money enough to give good dowries to their daughters; and in several instances which had come under his observation they had saved enough money to enable them to buy new farms in more favourably situated lowland districts. He hoped the Committee would excuse him for having delayed them with these observations; but he thought that, as he had had some personal experience in the matter, he might be allowed to take part in the debate. His experience was that the landlord might reclaim waste land without loss, but that the tenant, with some little assistance, could reclaim it at one-half the cost.

MR. T. P. O'CONNOR said, the speech of the Prime Minister very much impressed him, and had rather altered

his (Mr. O'Connor's) view on the question. But, after all, he thought they were disagreeing more about words than about realities; and it would seem that there was not so much difference between the Prime Minister and them as at first sight appeared. He thought that it would be seen that it was possible for them to adopt a compromise on this question. They were all agreed that some of the holdings were so small that it would be advisable that they should be enlarged in some way or other. They were also agreed on the point that the tenants should be afforded facilities for enlarging their holdings, by having land to reclaim, because the Prime Minister had brought in a subsection which really admitted that principle. But the point where they began to disagree was as to whether there was power existing to give the tenants this land to reclaim. What Irish Members asked was this—Would the Government give the Commission authority to advance money to the tenants to reclaim? If the Prime Minister would consent to give the Commission power to take reclaimable land in order to give it to the tenants, the whole question of dispute between the Prime Minister and the Irish Members fell to the ground. They were not asking the State to take any burden upon its shoulders; they were simply asking it to give the labourer the opportunity of reclaiming the land. The Amendment of the hon. Member for Carlow (Mr. Macfarlane) raised the question in a more convenient form; and he could not think the Prime Minister could have any objection to it. Therefore, he would suggest that the Amendment they were now discussing should be withdrawn.

MR. PARNELL said, that after having occupied so much time on this discussion it would be a pity if it were not possible for both sides of the House to come together, and to arrive at some practical result. He was struck by the force of the Prime Minister's objection that the work which the hon. Member for the City of Dublin wished to place on the Commission was not work for which the Commission was fitted, and that it would require a great deal of local inspection throughout all parts of the country from time to time—in fact, constant supervision. ["No, no!"] Undoubtedly, this would be so. These

*Mr. Villiers Stuart*

works of improvement and reclamation would have to be superintended in every district where they were set on foot; and it was possible that neither the Commission nor the Board of Works would be capable of carrying out that supervision. But supposing they were to give to Boards of Guardians in Ireland the same power that they gave under this clause to the public Companies, they would meet all the necessities of the case, and they should require that this was essentially a work of Poor Law relief. It had acquired its prominence in this Bill because of the sufferings of the 50,000 or 100,000 small tenants in Ireland. What would be the prospect of these small holders of whom Professor Baldwin said—

"There are 50,000 in five or six of the Western and North-Western Irish counties who cannot live on their holdings unless they are weeded out and transferred to some other place."

He did not say that the Bill as it stood would not give them some relief. No doubt, the rent clause would reduce many of their sufferings to some extent, and in some cases to a large extent; and undoubtedly the project for the settlement of arrears which the Chief Secretary placed on the Notice Paper would favourably affect some of these poor people for a time. But it would only be while the three or four or five or six good seasons were lasting, and on a recurrence of the bad seasons they would be confronted with the same difficulty with which they were confronted in 1879 and 1880. Who, he would ask, were the people who created this land movement, which had cost some £5,000,000 or £6,000,000 to keep in check, and of which, perhaps, they had not yet seen the end. It had been the small cottier tenants according to the evidence of their own Commission appointed to inquire into the subject—the small cottier tenants who were concerned in the meeting at Irish Town in 1879. It was the cottier tenants who kept alive that agitation, and spread it into the county of Galway, the county of Sligo, and partly into the county of Donegal. In the course of the following year the tenants in the rest of Ireland, the better-off tenants, took up the movement, and brought it into the position it now occupied. But it was the poor tenants who started it; and if the Government supposed they were settling the Land Ques-

tion while they left 100,000 of the people of Ireland living in pig-sties, where it was impossible for them to obtain any subsistence, they were reckoning without their host. It was, therefore, worth while on the part of the Committee to devote a little more time to see whether they could not devise some practical plan for the purpose of settling this very difficult problem. He did not ask the Prime Minister to agree to the suggestion he might now make, after listening to the course of the debate; but he would ask him if he would not reconsider, in the light this debate had thrown on the matter, the question of what should be done for these small tenants in the West of Ireland. If the Prime Minister would consider the matter between now and the time when the new clauses would be moved later on, before the Bill left the Committee, he was sure his hon. Friend would not think it necessary to take a division on the present Amendment, especially as that Amendment was undoubtedly open to some objection in point of detail. The duties placed on the Commission were not the duties they expected when some of them were placing Amendments on the Paper. The matter was one for careful consideration; and, looking at the shape which this Bill had now assumed, he thought there might be a general agreement to a clause which might be accepted by the Government—something which would give these poor people some hope of being able to live in their own country. If this hope was not extended to them there would be nothing left to the cottier tenants but the Emigration Clause of the Bill. He did not mean to say it would be necessary to emigrate the people in the first year, for he admitted to the full extent that the Bill would give them some relief; but he would ask the Committee not to wait until they were driven by the emergency of coming famine, or bad seasons, into attempts at hasty and ill-considered legislation for relieving the people. He had drafted an Amendment between last night and the present moment which he thought would be satisfactory, and which he would indicate to the Committee. He would not move it now after the length to which the debate had gone; and, in view of the statement he made last night when asking that Progress should be reported, he felt himself even pre-

cluded from bringing it on without the consent of the Government. The Amendment was to the effect that the Treasury should authorize the Board of Works to advance, from time to time, any moneys in their hands to Boards of Guardians, on the security of the rates, for purposes of reclamation, or any other agricultural improvements; and that the Boards of Guardians to whom such advances were made might purchase such lots of land as they thought desirable, and sell or let them. The rates of the Unions were fully sufficient to meet any advances that might be made. As to baronial courts, they were not representative, but the Boards of Guardians were; and he trusted that in the progress of legislation they would be rendered still more representative than they were at present. It would then be the fault of the local bodies if they did not do their duty with regard to these small holders. No loss and no risk, when the security of the rates were given, could attach to the British Exchequer. He did not wish to delay the Committee in coming to any decision they might wish to come to on the Amendment of his hon. Friend. He would suggest to him that if they obtained some further consideration of this complicated question, this debate would not have been thrown away, and that he might, under the circumstances, withdraw his Amendment.

MR. GLADSTONE: If the hon. Member will be good enough to put the clause on the Notice Paper, I will bring it under the consideration of my Colleagues. It is, no doubt, a most important question.

MR. SHAW doubted very much whether they could impose such duties as these upon Boards of Guardians at ordinary times. No doubt, last year they imposed some exceptional duties upon Boards of Guardians; but then it must be borne in mind that the time was one of very great distress. He doubted whether it would be wise to put this burden upon them now. There would, however, be ample time to discuss the proposal when it was formally before them. He hoped they would now allow the discussion to end, and, no doubt, before the Report, they would be able to agree to some clause dealing with that part of the question. The Government had given power to the Board of Works to make advances to Companies, which might not

mean speculative Companies; and they had given further powers to the Board of Works to make advances to occupiers, which were most important, and which, in fact, he looked upon as the most important part of the Bill. The hon. Member for the City of Galway (Mr. T. P. O'Connor) said they should give the Land Commission power to take these waste lands; but he (Mr. Shaw) clearly saw the difficulty which the Government found in giving any Commission the power of taking large tracts of waste lands, or unreclaimed lands, and dividing them into holdings and putting tenants upon the plots for the purpose of carrying out reclamation. It would be one of the most difficult things which the Government could undertake; but, at the same time, he thought that the boundaries of the small tenants should be enlarged, so that the 10 acre man might, in a very short time, and at a very small outlay, become 50 acre men.

SIR STAFFORD NORTHCOTE: I agree very much with the Committee with regard to the great, the very great, interest that attaches to this subject, and, at the same time, the great difficulty of this question; and I would add this remark, that—in proportion as this question is enlarging, so it is the more necessary that we should take great care what we do in regard to it. The very natural interest and desire which everyone feels to enlarge, as far as possible, the field of profitable cultivation in Ireland may very often induce much too sanguine expectations, and may lead us to embark on schemes which, after all, are doomed from the beginning to disappointment. Therefore, I think it very unwise to plunge into anything of this kind without considering how far it would answer. The proposal in the Bill with regard to Companies is a very simple proposal, and the readiness which, I think, has been expressed by the Government to consider whether they can go further in this matter is a symptom which ought to induce the Committee, and those specially interested in the object in view, not to press the Government too hard, but to give the Government the opportunity of carefully considering and adjusting such proposals as they think it possible to bring forward. I think that we should be acting rashly, not only in the interests of the Exchequer, but in

*Mr. Parnell*

the interests of Ireland, if we were to press the Government to undertake schemes which, after all, are not properly devised and matured. It is a very dangerous thing to encourage people to believe that by advancing money, or by any other way, you can turn their plot of land, which may be a very bad one, into a very profitable holding. No doubt, there are parts of Ireland where a great deal has been done by such men as the hon. Member for Galway (Mr. Mitchell Henry), and the hon. Member for Waterford (Mr. Villiers Stuart), and others, in the way of increasing and developing the holdings of the tenantry; but those are Gentlemen who know what they are about, and I think that undertakings of this sort ought not to be entered upon without very great care. I trust that the interesting discussion that we have had will not be without its effects, and that before we finally settle the matter something further may be done.

MR. BARRAN said, that knowing that this Bill would come before the House this Session, he spent the Autumn Vacation in going through those districts in Ireland which had been described as congested with population. Amongst other places he visited the neighbourhood of Ballycroy, where there were great reclamation works in operation. A considerable quantity of waste land was taken by a priest on a long lease, and handed over in plots to a number of tenants. The people had gone to work upon it, and had reclaimed it, and their efforts had been crowned with signal success. He had been assured on all hands by persons best qualified to judge that there were many thousands of acres of land in Ireland that could be profitably reclaimed just as the land he had referred to had been. In his journey in the neighbourhood of Glengarriff he met with a magistrate, who told him that if he would just walk along with him to the top of the hill he would show him 10,000 acres of land, none of it more than 600 feet above the level of the sea, and all of which would pay for reclamation, although, in its present condition, it was not worth 2s. 6d. per acre fee simple. Said that gentleman—"The only thing that can at all stand in the way of this reclamation would be the question of cost." Now, this was a large and comprehensive Bill,

and they all rejoiced that the Prime Minister had been able to meet the demands of both that and the other side of the House. But he was sure that unless this Reclamation Clause was made so as to comprehend pretty nearly that which had been indicated by the hon. Member for the City of Cork (Mr. Parnell) they would not by any means get over their difficulties. In the West of Ireland the normal condition of the people was very bad. They had a large population that depended largely for its subsistence upon the result of labour performed in England, Scotland, and Wales. The improvements introduced in the last few years in connection with agricultural pursuits in those counties had diminished very largely the demand for labour from the West of Ireland, and therefore those poor people had not the same means of subsistence that they had in the past. If by any possibility the Prime Minister could provide for the employment of this congested population, he felt satisfied that it would be one of the most acceptable provisions of the Bill in the minds and hearts of the Irish people. He did hope that something would be done, and he spoke on behalf of his own constituents in this matter, when he ventured to say that if a sacrifice was to be made for the promotion of the well-being of these people they would very much rather make a sacrifice in the direction that he now indicated, than for the purpose of continuing the measures they had had to take for the purpose of preserving the peace of Ireland.

MR. BIGGAR said, he understood the hon. Gentleman to withdraw his Amendment for the reason that if it was negatived it might be subsequently held that some other proposition that the Government might be prepared to agree to could not be entertained.

MR. MITCHELL HENRY said, he fully expected the hon. Gentleman who moved the Amendment would, after what had been said, withdraw it. ["No, no!"] Well, if the hon. Member did not consent to withdraw it, he (Mr. Mitchell Henry) should have either to negative or vote against it. What he wanted was to get something done, and he did not wish to see the Amendment put for the sake of having a large majority against it.

*Amendment negatived.*

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MR. MACFARLANE said, the next Amendment on the Paper was in his name; but as it had been suggested to him that it would be better for him not to move it, he should not ask the Committee to consider it.

Clause, as amended, *agreed to*.

Clause 26 (Emigration).

SIR GEORGE CAMPBELL moved, in page 18. line 12, at beginning, insert—

“On obtaining sufficient security for the repayment of moneys advanced under this section.”

If the Government were going to persevere with this clause it was extremely desirable that it should be put upon a safe footing, and that the public money should not be advanced without sufficient security. In that view he had placed an Amendment on the Paper, because he had some doubt whether, as the clause stood, there was sufficient security for the repayment of moneys advanced to Canada, or the Colonies, or to Companies. He was very distrustful of a scheme which would seem to advance money to the Government of Canada, and for two or three reasons. It seemed to him that considering the peculiar relations which existed between this country and Canada that money should not be advanced by this country without security. Great complications might arise between this country and Canada, and we might have great difficulty in getting back our money. He confessed to a sort of prejudice which he entertained with regard to advances in Canada, and this had been a good deal caused by what seemed to him an unreasonable scheme by the Government of Canada. The Government of Canada wanted to fill up their waste lands and to dispose of them, and they had a proposition with regard to emigration that this country, at our sole risk and charge, should advance money for emigration to Canada, and not only to advance, but to guarantee the Government of Canada from any loss which might result from the turning of the emigrants into paupers. The Government of Canada had been long anxious to get rid of their waste lands, and they had sent advertisements to this country to get rid of them; but they were not willing to contribute to the expense themselves. For that reason he feared that very consider-

able complication would arise if they advanced money to Canada without any specific security. He was also apprehensive that this might give rise to a great deal of land jobbing. They knew that British Colonists, when they were not checked by the Mother Country, indulged in land jobbing. The Americans adopted a very much wiser course, for they never allowed Colonists to dispose of their waste lands. No doubt latterly, to promote railways, large grants of land had been made, and this had led to land jobbing. He believed that very great land jobbing was now going on in Canada, and large tracts of Manitoba were granted on easy terms. There was another reason why they should not advance money for emigration to Canada. He was in the West of Ireland last autumn, and he must say that of all the nations of Europe they were the most unfitted to emigrate. What were they to expect from people living in those miserable cabins that they were only able to live in, because the summers and winters were mild. How were they to expect those people, who hitherto had not shown over much energy, to go through the seven months of severe winter in Manitoba? He confessed that he had doubts as to whether they would succeed. In Minnesota the Scandinavians, Norwegians, and Swedes, who were accustomed to work and who had indomitable perseverance, had got on with considerable success. It was only the best of the Irish people who could succeed there. Therefore, he very much distrusted the proposal of allowing the Government of Canada to have the people of the West of Ireland. He did not feel disposed to press the Amendment if the Government did not accept it.

Amendment proposed,

In page 18, line 12, before the first word “The,” to insert the words “On obtaining sufficient security for the repayment of moneys advanced under this section.”—(Sir George Campbell.)

Question proposed, “That those words be there inserted.”

MR. NORTHCOTE said, he had no objection to the insertion of the words of the hon. Member for Kirkcaldy. The reason he had risen was because he was connected with Companies in Manitoba and Minnesota owning altogether some

30,000,000 acres, and after the insinuation and the charge which the hon. Member had made with regard to land jobbing by people in the North West, he thought it was due to the gentlemen with whom he was associated to say that they on their part would certainly not be guilty of anything in the nature of land jobbing; and when he told the Committee that they sold their land at the price of 5s. per acre, the fact of so much land being in the market at that rate did not afford very general scope for land jobbing. He should like to say one word upon the Emigration Clause; and, speaking for himself, he should be very sorry if the Government Land Bill suggested emigration as the sole remedy for distress. He certainly thought that it would not be a statesmanlike act at all if they found no other remedy for Irish distress than by taking people out of the country. He hoped that hon. Gentlemen from Ireland would not continue their hostility to this clause to the bitter end, because this clause was really in the nature of an alternative. By another part of the Bill which they had just been discussing, the option was given to the Irish tenant to stay at home and cultivate those reclaimable lands, of which it was stated, and of which he entertained no doubt, that there were many thousands, or perhaps millions, of acres in Ireland. But he could not see why hon. Gentlemen could entertain any objection to the alternative being offered to the labourer if he wished to transfer his labour to another country. It was merely an alternative; and, certainly, even if it were possible to enforce or compel emigration, he did not suppose that any British Government would attempt to force people to emigrate. There was one remark which the hon. Gentleman opposite (Sir George Campbell) made in which he agreed to a very considerable extent, and that was in the warning which he addressed to Her Majesty's Government, that they should not send out the extreme paupers—the very poor Irish, who, perhaps, had not been accustomed to work, but who had picked up a living as they could—and ship them off bodily without making any provision for them, because they might perish in the undoubtedly somewhat severe climate of Manitoba. He thought that it would be very necessary indeed that in advances under those clauses Her

Majesty's Government should take great care to use every precaution to ascertain that proper steps and proper arrangements would be made when they reached the other side for the receiving of them in any part of Canada to which they might be going. As a matter of fact, the hon. Gentleman (Sir George Campbell) had somewhat over-coloured his statement, because he himself was connected with a Company in Minnesota in which there was a considerable number of Irish emigrants; and although it was quite true that they did not thrive so well, or earn such high wages as Scandinavians, he was informed that their position was improving every year, and was materially better than it was in their own country. He wished to say one word on the general question of emigration. He thought it was very important indeed that, in any steps which the Government took, they should provide as far as possible, not merely for the emigration of young men and young women, but for assisting the emigration of whole families or districts. It seemed to him that the reason was very obvious, and it was very desirable that the natural pang of leaving their native land should be in every way possible softened; and he could see no readier way of softening that pang than by having their parents, or neighbours and friends going to a more prosperous clime to renew the old associations of youth. Although it might not be, economically, the most prudent thing to do, on political grounds he thought it was most desirable that families, or districts even, should be assisted to emigrate; and he must confess that he should be very glad indeed if the native pastors could be induced to accompany them. It was said that emigration should be discountenanced on account of the commercial loss to the country. Although it was quite possible that the value of an emigrant to Canada or the United States might be £100, more or less, that did not at all represent his value to the country which he left, because in Ireland a man who had to live on charity was of no commercial value. He begged to thank the Committee for having heard him. He only got up on account of the charge made by the hon. Gentleman opposite, which he was very anxious to disclaim on behalf of those with whom he was connected. He should

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give this clause his most cordial support, and he trusted that most beneficial results would flow from it.

THE CHAIRMAN: I must point out that I am not keeping hon. Members closely to the Amendments, because there are only two or three Amendments to the whole clause, and they all involve similar principles, and if I were to be as strict as usual we should have the discussion too prolonged.

MR. RATHBONE had not hitherto said a word on this subject. He wished very much to appeal to the Irish Members in the House with whom he had so often acted. He had been interested and actually engaged in the relief of Irish distress from 1847 to the present time. And he ventured to say, in looking back, that no money that he had spent or seen spent, and no labour that had been given, had, to his mind, produced more permanent and real good, both to the labourer on whom it was spent, the country from which they were sent, and the country to which they went, than the money which was spent judiciously and carefully in emigration. He appealed to Irish Members not to oppose this system of emigration, but to insist that proper regulations should be adopted, and care taken, in order that it might be of benefit to Ireland. He entirely agreed with the opposition that had been raised by Catholic priests and by religious men of all denominations against a certain kind of emigration that had gone forward. The poor Irishman was taken from his country, where he had been half-starved, and he was put into a large town in America, where he had high wages and cheap spirits. It was not in human nature that a man should not lose both his morality and his religion under such circumstances; and he considered that the pastors were perfectly right in opposing emigration so long as it took that form. There was a great deal of attention being given to the subject of emigration; and some of the best Irishmen, though they differed from him in politics, would be willing to follow the leadership of Mr. Kavanagh to establish a system of emigration in which the religious pastors of those who emigrated should either accompany their emigrants, or that provision should be made on the shores of America against their being exposed to the dreadful peril both to their religion and morality. Surely,

*Mr. Northcote*

when they looked at the state of the Irish people at home and in America, there would not be an Irish Member who would not join in trying to remedy the evil that existed. In Liverpool, during the last Famine, they sent the best men they could find to investigate how they could be most useful. They sent them to Galway and Donegal and other parts, and they were accompanied by one of the ablest men he knew—Father Nugent, a Catholic priest in Liverpool. What did those men report? They said they could save the people from suffering by emigration; but if they gave them the whole land of Donegal they could not live decently. Under their advice, and out of the fund which Father Nugent had collected, they sent 800 people from Donegal and the neighbourhood to America. They were consigned to the charge of the Bishop of the district, and these poor fellows, from starvation in Donegal, found a house and 160 acres of land, with a guarantee of a dollar a-day until their crops were ready. Did they wish to stop these poor fellows going from where they were poor and a source of poverty to others to a country where they would be rich, and a source of riches, and where they would be in the charge of those very pastors to whom they were so much attached. He appealed to Irish Members not to stop this beneficent work, but to aid them in taking care that they should so act that the men's bodies as well as their souls should be benefited.

SIR WALTER B. BARTTELOT said, he had carefully looked at this clause, and it certainly was one which had astonished him; for a more imperfect and worse-drawn clause he had never read. It described nothing. It did not tell them what was to be done. There was no scheme of emigration, which was the one thing that everybody had looked to for the salvation of the Western portions of Ireland. They had a right to ask the Government whether behind this clause they had not got some scheme; and he would ask the Chief Secretary, or the Prime Minister, or anyone of the Government who had studied this question, what the scheme was by which emigration was to be conducted for relieving the Western portions of Ireland from that chronic state of semi-starvation which always existed there, because without it the Bill would do

no good whatever. He was not going into the question; but he would state that there was not one Irishman who would deny that the greatest relief that could be conferred upon Ireland would be that some hundreds of thousands of people in the Western portions of Ireland should be placed elsewhere than on those farms where they now were. The hon. Member for the City of Cork (Mr. Parnell) had stated that there were over 250,000 tenants holding farms of less than four acres, on which it was impossible for them to live. What were they going to do with these people? The Government of Canada and other Governments would take nobody but able-bodied men and able-bodied women; they were not going to take families who would go out there and be of no use to them. What they had got to do was to have a proper and well-constituted Emigration Board, who would be able to overlook the districts, and be guided by circumstances as to who should emigrate, and then consolidate the holdings, so that the people might be able to live on them. They ought not to pass this clause now without having come to some determination that it should be a clause for the purposes for which it was intended—namely, the relief of that ever-growing distress which they found continuously amounting almost to perpetual famine in the Western portions of Ireland. The right hon. Gentleman would not attempt to deny it, or for one moment admit, that this clause contained all that was necessary. It seemed to him that this clause was an after-thought and a makeshift. There was no scheme of emigration, and there really ought to be a definite scheme, showing what ought to be done. Until this was accomplished by the Government, they would have done but little to stay those dangers which would be perpetual, and would be ever recurring.

MR. GLADSTONE: Undoubtedly the clause contains no scheme of emigration, and I do not think that it ought to contain a scheme of emigration. I do not think that the Government ought to undertake the management and promotion of a scheme of emigration for Ireland; and, therefore, I do distinctly intimate to the hon. and gallant Gentleman (Sir Walter B. Barttelot) that, so far as his ideas go, we are not prepared to carry them out, except to a very

limited extent. Not that we are not able to enter into them at all, because I am prepared to admit that there are words to be put into this clause, and such words as my hon. Friend behind me (Mr. Rathbone) has suggested. They are a development of the words in the clause already; but I do not hesitate to say they are a development which may be necessary. A portion of the clause declares that the agreements shall be made with the concurrence of the Treasury. And the Commission on such agreements shall contain provisions relative to the mode of the application of the loans, and securing the repayment thereof to the Commission, and for other purposes. Under the words "application of the loans," and under the words, "and for other purposes," the intention is to convey that the Commission is not to look simply to the fact that certain solvent and capable bodies, whether they be Governments or whether they be Companies, are about to undertake the transport of emigrants over the sea, but that the Commission is to be responsible for the propriety, morality, and generally satisfactory conduct of these arrangements. To that extent the clause is intended to go—beyond that extent it is not intended to go; and I should, for one, and the Government would distinctly object to any scheme which would unquestionably give to the people of Ireland the notion—perhaps the more than plausible notion—that the Government entertained plans and desires of something like the depopulation of that country. On that point I have only to say that we consider that the securing the interests of the emigrants to be within the proper purview of the Commission. With regard to the Amendment before us, I own that I do not see any necessity for it. I think that if my hon. Friend will examine the clause more closely, he will find that the clause gives power to the Commission to make provisions relative to the maintenance of the loan as well as its application and securing repayment of the loan, and has no reference at all to the transactions with Companies or with the Governments. I have no objection at all in principle to his words, nor do I think that they will do any harm; but I believe that they are provided for in the clause as it stands. As to the clause generally, I need not describe it more

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particularly than I did last night. I think I may say a word as to the spirit in which the Government have introduced this clause. They did not think themselves justified in entirely overlooking emigration, and they did it with the intention which I have again signified of carefully listening and allowing very great weight to the deliberate expression of the judgment and opinions of the generality of Irish Members without distinction of Party or section. What we want is a reasonable expression of opinion by those who certainly have, upon the whole, a greater capacity to judge than we possess on this subject. One hon. Member said that the Canadian Government would not be disposed to take anyone but able-bodied persons. Now, upon that subject, I entirely concur with what has been said by the hon. Member for Exeter (Mr. Northcote). Emigration of this kind, if it were limited absolutely to families, would not do, because there would be cases in which a man might not have a family, and there would be some men who would not emigrate with families; but, unquestionably, we should not object to the insertion of words for the purpose of showing that the emigration of families was the principal idea. I must say that it was with great pain that I heard imputed to the Government the entertaining of some latent scheme for getting rid of the Irish people. I wish to disclaim any such thing. I must say that reason and common sense would show that, if we had no other desire in our minds than to see the people of Ireland cleared off the soil of Ireland, we might have contrived some better and some less cumbersome process than emigration. [Mr. HEALY: Buckshot.] Well, as to that expression from a single Member, I do not think that I ought to notice it. I do not know who it was gave utterance to it; but I trust that in his more sober moments he will regret having allowed such an expression to escape his lips. Sir, the sort of emigration, undoubtedly, that we supposed must arise under a clause of this kind is organized emigration. I may say highly organized emigration—emigration of the kind described by the hon. Gentleman the Member for Exeter—certainly of families, or even of labourers, in a district, and possibly of communities; and if of communities, then, probably, in no

*Mr. Gladstone*

way could it be so beneficial as under the guidance or companionship and assistance of their pastors. It appears to many of us that there will be a great many faults to find, if hon. Members attempt prematurely to canvass all the several provisions of this Bill; and I do object to any assumption now as to the likelihood that a clause of this kind may operate largely or narrowly. We have endeavoured to place it so that if it does operate largely, it shall operate only in conformity with the perfectly free will of the people themselves; and every other security that can be supplied will be taken for the well-being of those who emigrate. There is one point on which I must own there is some scruple in my mind. Voluntary emigration from Ireland now is the emigration which we have no desire to promote; and I do not think it is desirable for us to promote it, but we ought not factiously to object, and there is a consideration which we ought to weigh, and upon which I should be glad to have the opinion of those better informed than myself—namely, that the intervention of the Government, and the offer of the Government to do or even assist in doing certain things, may have a certain amount of tendency to prevent private persons from applying themselves and their own resources to the doing of that thing. I do not dwell upon that matter at the present moment; but what I say is, that it is perfectly worthy of dispassionate consideration on this clause. With regard to the Government of Canada, it is certainly quite inaccurate to suppose that the efforts made by the Government of Canada, as far as they were in our knowledge, contemplate in any way that more emigration of the labourers, which hon. Gentlemen justly view with misgiving and disapproval. The language of the Government of Canada, as far as it has gone, and it has not reached anything like a matured or practical scheme, undoubtedly proceeds entirely upon the supposition, first of all, of the emigration of families; and, secondly, of the location of these families upon plots of land under a combined system which would keep them together in Canada as in Ireland. Now, Sir, with regard to the imputation of our desire to depopulate Ireland, I will speak for myself, and make the frank confession that I am not one of those who view with satis-

faction the decrease in numbers of any population. I wish to see man increase and multiply upon the earth, and not to see him dwindle and pass away. It is very satisfactory to me to consider that there is no country in Europe in which greater progress towards a tolerable state of physical life, or even so great progress towards such a state, among the poorer part of the population, has been made during the last 30 years as in Ireland. But I must confess that the feeling is greatly dashed and qualified in my mind when I consider that it is accompanied by such a vast removal of the population—not a removal in the strict sense of the word, but still involuntary from its being due, in an enormous proportion, to the pressure of want, such as constitutes something like a necessity. I have a certain amount of sympathy with the jealousy of some Irish Members. I think they are right in a desire to see their own people happy at home instead of seeing them happy abroad. We are doing what we can towards making them happy at home; but in doing so we know very well what are the delays and what the obstacles to the accomplishment even of the best conducted schemes of human legislation; and, therefore, we do not feel justified in entirely shutting the door upon plans which, pending the period when the population of Ireland may be in a satisfactory condition at home, we may give a good alternative, such as is described by my hon. Friend behind me (Mr. Rathbone), of finding a comfort abroad which they cannot find in their own land. I think this is, upon the whole, not a very unfair view of the temper in which we have endeavoured to approach this subject. There can be no greater mistake than to suppose that we, at least, consider that this is a primary portion of the Bill, and much more would it be a mistake to suppose that it is a portion of the Bill which was intended to be a cover to the rest of the Bill. This is an important portion of the Bill; but the primary object of the Bill is to secure the people of Ireland comfort and happiness upon their own soil. This, if I may so, is the wicket-gate compared with the portal, that the emigration may be said, in our view, to supply. Upon that subject, in all its bearings, we shall be very glad to hear what may be the view of the Committee, and the view

of Irish Members in particular; and certainly, as far as our knowledge goes, my hope and my expectation are that any jealousies that are entertained of the specific provision in this clause we shall succeed in disarming, and that this matter may not be the subject of painful division between those who represent Ireland and those who, from outside, desire and endeavour to promote the welfare of Ireland; and, further, that the provisions of the clause, as they require it, will receive the general and even speedy assent of all portions of the Committee.

THE O'DONOGHUE said, he could not join his hon. Friends in their opposition to the clause. He saw nothing objectionable in the proposals of the Government. Supposing this Bill was to become law, and this clause was to remain part of it, emigration would still continue to be in Ireland the same voluntary act it had hitherto been. No one had ever thought of protesting; no one could ever think of protesting against emigration when the means of emigration had been provided by the friends and relatives of the people; and he was at a loss to understand how the effect of emigration could become more injurious because the State stepped in and did that which had hitherto been done by others. Those who remitted money to their friends and relatives to enable them to emigrate had done so from a desire to take them away from want and misery to places where their lives might be spent under more agreeable conditions; and he, for one, was perfectly satisfied that Her Majesty's Government were actuated by the best of motives. [*Cries of "Oh!"*] No one felt more sorrow than he did when he saw the people going towards the emigrant ship; but, nevertheless, he would not feel himself justified in saying to them—"Do not go to where you will find plenty and more comfortable homes; but remain here and be half starved while I and others are trying to work out a political problem which may possibly some day afford you relief." Probably many Members of the House were Poor Law Guardians, and they must have seen men coming before their respective Boards asking for assistance; and they must have noticed how cruel and stingy the Board of Guardians were considered when they refused to grant

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assistance and were unwilling to give aid out of the rates by inaugurating a system which, if carried to its fullest extent, must ultimately lead to the absorption of the Union rates. He was convinced that the provisions of the Bill would only be made available by the people under the pressure of extreme necessity; and he, for one, would be sorry to deny them the relief that would be offered to them by this portion of the Bill, without being able to offer them an equivalent in the shape of migration. But as to migration, he had always looked upon it as utterly impracticable, because if they migrated the farming class they must dispossess the tenants in districts to which the removal was to take place; and if they migrated the labourers, then he ventured to say there was not a single district in Ireland which did not already possess more labourers than they were able to find employment for. He trusted that Her Majesty's Government would adhere to this clause, because his conviction was that it would be regarded by the Irish people as a wise and beneficent provision.

VISCOUNT LYMINGTON wished to say a few words in reply to the observations which had fallen from the hon. Member for Kirkcaldy (Sir George Campbell). He had recently been in Canada, and he had endeavoured, as far as possible, to ascertain the opinion of the people there in regard to the condition of the country. He had received his information from officials. Perhaps hon. Members from Ireland might think that those officials were interested in the matter; and, therefore, before stating what the official information which he had received was and expressing an opinion upon it, he would ask the Committee to give him its indulgence while he read some passages from a letter written by the son of a small Irish tenant who went out to Minnesota some time ago, and who had written to friends of his own class in Ireland.

MR. O'KELLY said, he rose for the purpose of asking for information.

THE CHAIRMAN: The hon. Member is irregular unless he rises to a point of Order.

MR. O'KELLY: I only ask for information.

MR. BIGGAR rose to a point of Order. He wished to ask whether this

particular clause could be introduced into a Bill of this kind, as he held it to be entirely contrary to the Preamble of the Bill. The Preamble said that this was a Bill "To further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto." He spoke with due deference; but he was of opinion that the question of emigration, and provisions of that class, had nothing whatever to do with the occupation or ownership of land in Ireland, or any other purpose appertaining thereto.

THE CHAIRMAN: I must point out to the hon. Member that, in the first place, there is no Preamble to the Bill at all; and, with regard to the title of the Bill, it distinctly says—"For other purposes relating thereto." The noble Lord is, therefore, perfectly in Order.

VISCOUNT LYMINGTON said, that the letter to which he had referred contained the following passages:—

"I have got along pretty well; have secured a nice home for my family, and am glad to say we are happy and content, living on one of my farms, where I built a nice farm-house and office, &c., four miles from town, in a beautiful prairie country, having abundance of game in the season. I have, at the end of the year, severed my connection with the Railway Company, and I hope to get along in future my own way. Without exception, this is the finest country in the world for a man having energy, common sense, and brains, to come to. The only drawback is the cold, long winter. The country is fast settling up, scarcely a farm now to be had, where there were hundreds when I came here. I have managed to secure a little over 500 acres of choice land, one of my farms being situated on a beautiful river, where I can kill all the ducks and geese from my window. I have about 100 acres ready to crop with wheat, oats, &c., in spring; and should I be so fortunate as to get a good crop, it will leave me a profit of about 2,000 dollars. Our grain can rarely be sown before the 10th of May, and is ready for cutting early in August. Wheat yields from 20 to 30 bushels to the acre, and oats about 30. It cost me nearly 2,000 dollars for my horses, cattle, and implements, and 600 dollars for my house; but a few good seasons will clear all. I wish to God I saw you and family settled in this fine country. I see by the papers that they have poor times in our old home. I only wish I saw a good many of them here, and not to fool their time and money as they are doing where they never can be better off; and should you see any deserving fellow in search of a home, drop me a line, I may be able to assist him in getting work. Hoping soon to hear from you, I am, &c."

An hon. MEMBER asked the date of the letter.

VISCOUNT LYMINGTON said, the date of it was January, 1881. In regard to the growth of the country, he might give a few facts which he had obtained from the Prime Minister of Manitoba indicative of the very rapid development of that country. In 1872 there was at Emerson scarcely a house. The population of that town was at present over 1,500. At Winnipeg, in 1870, there was a population of 2,000, which had now grown to between 10,000 and 12,000. Throughout Manitoba there was a very excellent Municipal Government, consisting of a Municipal Council and a presiding officer, elected by the rate-payers, which settled the rates levied on the property in each district. Although he had no desire to detain the Committee, he would further mention the fact that a scheme had been drawn up by which the cultivation of the land was insured. That scheme proposed to offer to each emigrant 160 acres of land, and to enable him, by paying a fee of £2, to acquire the right of purchasing another 160 acres. The only fees he would be charged were two of £2, one on allotment, and a second on application to purchase additional land. The officials calculated that the amount of money that would be necessary in order to pay the expenses of a family from this country, and place them on the land in the North-West of Canada, would be from £80 to £100. This sum would include cost of removal, small outfit, cost of shelter on the land and subsistence until the head of the family could support them by wages, which he could obtain at the present time in constructing the Canadian Pacific Railway. His only object in speaking, having no personal interest in Canada or in emigration, had been to show that this country in the North West was an exceedingly fertile country, and a country upon which Irishmen had already been largely located; and, further, that if it was the desire of the Irish people in future to emigrate with their families to this country, and the Government were willing to assist them, and to make the emigration as cheap and commodious as possible, it would be most unfair that any obstacle should be placed in the way of the Government in carrying out that object.

MR. O'KELLY said, he had listened with some interest to the statement which

had been made by the noble Lord who had just sat down (Viscount Lyvington). The noble Lord had described Manitoba from the prospectuses of persons who were interested in land there. The noble Lord had told them what the land was capable of producing. He admitted that Manitoba was one of the richest territories in the world; but he wished to know what was the use of a rich territory where there was no communication with it. The noble Lord told them that farmers who went there found extremely rich tracts of land; but the Irish peasant, who was in the habit of living in a temperate climate, in going to Manitoba, would find himself in a climate where the heat in summer was 120 degrees in the shade, and in winter 40 degrees below zero. The noble Lord had spoken of Manitoba and Minnesota as if they were practically the same country. Now, there was this difference. From Manitoba there was no outlet, while from Minnesota there was a railway connected with the whole civilized world and the best markets of America and Europe. That made a very great deal of difference. [*A laugh.*] Hon. Members who laughed knew nothing about the matter, and were simply exhibiting their own ignorance. He was not an opponent of emigration; on the contrary, he was in favour of judicious emigration. "He had never concealed the fact that there were many parts of the world which ought to be opened out to the intelligent labourer. But he would not be a party to sending the Irish people into a waste of snow during seven months of the year, and during the remainder a waste of burning sand, which could find no parallel except in the Desert of Sahara in Northern Africa. It was a place compared with which the climate of the Amazon was a heaven. He had had the advantage of travelling through these regions, and he knew what he was speaking about. What had been done with reference to the Colony by Father Nugent? He had always given to Father Nugent the credit of possessing the very best intentions. The people taken by Father Nugent from Connemara were left at Minnesota. But they were sent out without experience and without the capital necessary to establish them upon farms. Many of them were put down upon prairies that, under favourable

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conditions, could have been converted into productive farms; but when these unfortunate people found themselves on these prairies, without means, without money, without food, and with no sufficient shelter when the winter came, about 30 per cent of them were frost-bitten, and many of them died of hunger and starvation, in spite of the protecting arm of the man whom he regarded as one of the best men in America—Bishop Ireland, of Minnesota. That right rev. Prelate threw over the people the protecting shield of his influence. He helped them with his money; but, in view of the large number of persons he had to make provision for, it was too much for his resources, and he was unable to give adequate protection to that small and miserable Colony. The hon. Gentleman the Member for Exeter (Mr. Northcote) told them that there were some 30,000,000 acres waiting to be colonized. The hon. Gentleman spoke simply on behalf of the executive of the Northern Pacific Railroad and in the interest of speculators, and of persons who cared nothing for what became of the people whom they induced to go to this land. Under proper conditions, it was a fair and proper field of emigration; but in order to make it a fair and proper field of emigration, they must place men upon it with capital—men who were suited to the Northern climates, who were accustomed to bear the cold of winter and the heat of summer, and not poor, miserable people without money, without clothes, and without any proper protection from the severity of the climate, otherwise the emigrants would perish miserably. If this Emigration Clause were intended to put the people upon the Eastern lands of Virginia, or to place them in Texas or Kansas, where they could live and work and hope to survive, he would be a most strenuous supporter of it; but when they told him that the object of the clause was to send the Irish people to perish in Manitoba, then he declared that he would oppose the clause to the utmost of his power—not because he was opposed to emigration, but because he was opposed to badly-conducted and badly-considered emigration. The reason that he said this scheme was intended for the benefit of Manitoba was this—the only parts of Canada that were worth living in were those parts that

were situated along the shores of the St. Lawrence; but they had long been taken up, and they were no longer open to emigration; and emigrants going from this country could no longer place themselves there. Even the old dwellers in Canada were crossing the river by thousands every year in order to seek a home in a thoroughly free country. He did not know whether any Member of the House had ever crossed the St. Lawrence. If he had he would know the difference there was between one bank of the river and the other. He had only to cross the river to find the wide distinction that existed between the two Governments and the two people, although there was apparently nothing to divide the one people from the other. Nevertheless, on the one side of the river there was a miserable territory occupied principally by Native French Canadians; and on the other a flourishing and prosperous country under the Government of the United States. Day by day the inhabitants of Canada were pouring into the United States by thousands; and yet it was proposed by Her Majesty's Government to send the people of Ireland across the Atlantic to supply in Canada the place of the native population who were deserting it, and who, like rats, were leaving the sinking ship. Under these circumstances, he would support the Amendment of the hon. Member for Kirkcaldy.

Mr. RAMSAY said, he agreed that this proposal was one of the most important in the Bill. The hon. Member for the City of Cork (Mr. Parnell) told the Committee last night that there were 360,000 holdings in Ireland, of a class on which the so-called farmers held farms of a less annual value than £8. Did any hon. Member suppose that any legislation could provide for such a class of people? Personally, he did not believe that it was possible, and he thought that the Report of the Richmond Commission, which had been so often quoted in that House, was fully justified in asserting that no course which Parliament could take could make adequate provision for the prosperity of tenants in such a miserable condition. Indeed, if they were offered the fee simple of the land they occupied, without paying anything for it at all, they would always be found in the wretched state they were now occupying whenever a bad season

*Mr. O'Kelly*

occurred. He thought the Committee laboured under great disadvantage in having the question discussed by hon. Gentlemen who knew very little either of agriculture, of the value of land, or the condition of the small occupiers. He was himself quite at home upon those points, having had considerable experience for many years, and he was able to give information in regard to the position of a number of persons who had emigrated from his own property some time ago. He had made a visit in Canada in order to renew his acquaintance with them, and he had spent some time in that country; and, notwithstanding what the hon. Gentleman who had last addressed the Committee (Mr. O'Kelly) said, the Irish settlers who had emigrated there were living in contentment. In point of fact, the characteristic of their condition which struck him most was the spirit of contentment that universally prevailed among them. The hon. Gentleman asserted that the emigrants who were sent to Canada very rapidly passed over into the United States. And why should they not do so? If they preferred to go to Virginia, where a great number of his own neighbours had gone, he saw no reason why they should not do so. The hon. Member seemed to think that the provisions of this clause should not be made applicable to our own Dependencies. Our own Dependencies had a vast area susceptible of improvement by cultivation, and capable of sustaining the whole population of Ireland; and his experience was this, that no legislation could make adequate provision in Ireland for the population that were dependent upon that country until they had reduced their number and consolidated their holdings. He believed that the Bill would have a tendency to consolidate holdings by inducing the small tenants to sell their tenant right as a preliminary step towards emigrating. He had no doubt that that would be the effect of the Bill, and that a considerable number of the smaller tenants would emigrate. He did not suppose that very great advantages would accrue from the creation of a vast number of peasant proprietors. As he had said, he looked upon this as a most important matter, and his object in addressing the Committee now was to express his opinion of the contentment of some of the small occupiers who had emigrated from

Scotland and Ireland, and settled in various parts of Canada. He had visited them there, and lived among them for some weeks; and he went there with no other object than to ascertain for himself the condition of the people who had gone out from his own estates. That was only about 12 years ago, and he had induced them to tell him their circumstances. They were prosperous then, and he believed they were going on as prosperously as ever. Further than that, they had no feeling towards this country but one of affection, and they desired to do all the good they could to the "old country," as they termed it. Under these circumstances, he trusted that the clause, with such Amendments as the Government might see fit to accept, would be speedily agreed to by the Committee.

MR. GORST said, he would not trouble the Committee with many observations. The noble Viscount opposite (Viscount Lynton) seemed to him to have intervened in the debate for the purpose of advertising the great merits for the purposes of colonization of Manitoba. The noble Lord seemed to have encountered an adversary on that side of the House who desired to run Minnesota against Manitoba, and they had had a somewhat lively debate in consequence. As the Chairman had not presumed to interfere in order to prevent the discussion, he supposed the matter was in some way which he did not understand relevant to the Question before the Committee. His object, however, was to point out to the Committee the difficulties which an English Member felt in accepting the clause. He did not in the least doubt the liberal intentions of Her Majesty's Government towards the people of Ireland in proposing the clause, and he did not doubt that there were people in Ireland to whom emigration, if carried out by voluntary societies, or even by Government assistance, would be a great boon. But what he had failed to see at all in the speech of the Prime Minister, which he had carefully listened to, what it failed to inform him upon was what was the benefit the people of the United Kingdom were to receive from the deportation of part of the population of Ireland. There was this remarkable peculiarity about the clause under discussion—that the money to be voted would come out of the pockets of the

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taxpayers of the United Kingdom. All the advances which were made by the Land Commission under the other clauses of the Bill, although they might be paid, in the first instance, out of the pockets of the taxpayers, would ultimately be recouped from Irish funds. Therefore, in every other clause of the Bill, although the credit of the United Kingdom might be pledged for the purpose of carrying out the provisions of the Bill, yet the payment would ultimately be made out of the resources of Ireland. But in this particular clause the payments made to the emigration societies would come firstly and lastly out of the pockets of the taxpayers. ["No!"] He should like to know out of what other source they could come. What, however, he wished to ask was, what were the advantages the taxpayers of the United Kingdom were to derive from the deportation of a part of the Irish people, and what should induce them to vote the taxes of the United Kingdom for the purpose of carrying out such a project? It was no answer to say that emigration was for the interests of the Irish labourer himself. About that there might be a good deal of difference of opinion. He had himself been in the Colonies, and he had brought away from the Colonies a very high idea of the advantages of emigration to the ordinary unskilled labourer. But he thought that skilled labourers should think twice before they carried their skill to a Colony. If he himself were a mere unskilled agricultural labourer, he would only consent to remain in the United Kingdom long enough to scrape together money to carry him away to a Colony. ["Oh!"] That, at any rate, was his opinion. Many other people, no doubt, had other opinions; but he believed that a great deal that was said about emigration was nonsense. Very often when a man took himself off to Australia or New Zealand, when he got there he found that he would have been very much better off if he had stayed at home. He could very well understand that emigration was of very great value to a Colony itself. The hon. Member for Exeter (Mr. Northcote) said that every emigrant was worth £100 to the Colony. That might be so, and if an emigrant was of such great value to the Colony, the Colony would be perfectly justified in spending its taxes in the introduction of emigrants. But in

order to justify us in spending our money, it must be proved that we gained something by sending our labourers out of the country. What did we gain? Somebody had talked about starving labourers. Now, starving labourers would be chargeable on the Unions or the parishes to which they belonged; and if the people were starving in the West of Ireland, and there was no other way of relieving them except emigration, it might be economical for the Unions or the parishes to send this starving population out of the country. But what did the nation gain by sending them out of the country? If these people were capable of being made peaceable and orderly citizens of the United Kingdom, we lost our subjects, and a country was rich and powerful according to its population. Therefore, if we lessened the population of the United Kingdom by sending the labourers away, it did not matter whether it was to Canada or the United States, if they were capable of becoming orderly and law-abiding citizens, we thereby weakened our strength; and what we were really asked to do was to expend the taxes of the United Kingdom in weakening the strength of the Empire. As long as the Irish labourers remained in Ireland, they were the producers of part of the wealth of the country. Every piece of bread produced, every potato grown, all the wheat and agricultural produce that these men might raise in Ireland, Ireland was so much the poorer for if these men went away to America. And they were, moreover, the consumers of our produce. A rich, prosperous, and contented population in Ireland would increase the riches and prosperity of our manufacturing industries. It therefore appeared to him that however much it might be for the advantage of the labourer himself and of the Colony to which he went, for every Irishman they sent out of the country the United Kingdom was so much the poorer.

THE CHAIRMAN: I wish to point out that the hon. and learned Member is wandering entirely away from the Question. The hon. and learned Member is now speaking against the clause as a whole and not upon the Amendment.

Mr. GORST said, if it was in Order for the Prime Minister to speak in favour of the clause, surely he was entitled to speak against it.

*Mr. Gorst*

**THE CHAIRMAN:** I must point out to the hon. and learned Member that the difference is this—that although he has a perfect right to speak against the clause as soon as it is proposed that it shall stand part of the Bill, he is not in Order in speaking against it upon an Amendment which applies to a part of it only. In the case of the Prime Minister he explained the bearings of his Amendment upon the clause, and he was in Order.

**MR. GORST** said, he really must object to the ruling of the Chair. ["Order!"] And, without desiring to be out of Order, he wished respectfully to explain to the Chairman that he did not intend to oppose the clause, but was rather asking for information from the Government upon it.

**MR. O'DONNELL** rose to Order. He wished to know if it was not competent for any Member of the Committee to speak against the clause until the Question of putting the clause as a whole was submitted to the Committee? Must a Member who was opposed to the clause be silent during the whole discussion of the Amendments, until the Question was put to the Committee that the clause stand part of the Bill?

**THE CHAIRMAN:** I have already explained that I have difficulty on this occasion in following the ordinary Rules of Committee. The ordinary Rule of Committee is to confine themselves to the Amendment before the Committee. I have explained to the Committee that there were only five Amendments originally on this clause, and that all of them involved the same principle. Therefore, I could not entirely keep hon. Members to the Amendment immediately before the Committee. But, at the same time, any person who wishes to oppose the clause as a whole ought to wait until the Question is put that the clause stand part of the Bill.

**MR. GORST** said, he was anxious to reply to the observations of the Prime Minister; but he now understood that he would be out of Order in doing so. He would, therefore, content himself with inviting the Prime Minister to supplement the extremely interesting speech which he had made to the Committee by pointing out to him (Mr. Gorst), who represented taxpayers of England, what those whom he represented would gain, and how they would be benefited,

so that he should be justified in voting that their taxes should be spent in that way. He absolutely failed to see how the people of this country were to be benefited by any part of the population of Ireland, who were capable of being turned into industrious, law-abiding subjects of the country, being sent away out of the country at the public expense.

**MR. W. H. SMITH** said, he had listened with great interest to the speech of his hon. and learned Friend the Member for Chatham (Mr. Gorst), and he confessed that he heard with some surprise the doctrines which had been laid down to the Committee. His hon. and learned Friend asked how it could be of advantage to the country that persons who were capable of contributing to the riches, power, and strength of the nation should be induced to emigrate? That was a question that might fairly be asked; but the real question they ought to ask was—how could these people, living under circumstances in which for years past they had been totally unable to earn their living, and who, instead of being a source of riches, content, and power to the country, had been a source of weakness and a drain on the resources of the country, requiring year after year the country to step out of the course usually prescribed to an Executive Government, and make advances for the purpose of keeping them alive—the question was, how could such a people best be benefited? The Report of the Commissioners showed that it was impossible for the wretched inhabitants of the West of Ireland to exist in a manner that was creditable to the country unless something was done to afford them relief, and unless they had some larger sphere accorded to them for their labour? Then, what was the Parliament of this country to do? There was only one of two things open, either migration or emigration. All those who were acquainted with the circumstances of Ireland knew how extremely difficult any scheme of migration must be. It would not only be necessary to get rid of the tenants in possession, but it would be necessary to incur a costly system of removal in order to place those unfortunate people in a position to earn their own living. An objection had been taken that the expense of emigration was to be incurred at the cost of the British taxpayer. He

should decidedly object to a large grant of money being given at the cost of the British taxpayer for the promotion of any system of emigration; but, as he read the clause, there was to be no charge ultimately on the British taxpayer. The Land Commission was to enter into an agreement, with the concurrence of the Treasury, and every precaution would be taken that security should be had for the repayment to the last farthing of the sum advanced, and the loans would be made payable at such a rate of interest, and within such a period, as was directed by the Act. He was not ordinarily a supporter of the recommendations of Her Majesty's Government, and he was not a supporter of this Bill; but he could not conceive any provision which was calculated more to improve the condition of the Irish people. The clause, properly worked out, would tend to restore prosperity and improve the condition of the unhappy population of Ireland, who might ultimately expect to become prosperous inhabitants of our Colonies, and customers to this country, because every man who attained a position of prosperity in Australia, or Canada, or New Zealand, would be a customer of this country, and would add to the strength and resources of the Empire, tending to keep in employment, and at better wages, those who remained at home. He confessed that he should look with great regret upon any course which would have the effect of withdrawing from this measure one of its few redeeming features.

MR. MACDONALD said, he had entertained the hope that this clause would not have been pressed by Her Majesty's Government, and that hope had been founded on the generous remarks which had been made by the right hon. Gentleman the Prime Minister last evening. He regretted, however, to find to-day that the clause was still pressed; and as he was not in the habit of making long speeches, he should ask the Committee to give him a little attention while he argued the question which had been raised by the hon. Member for Kirkcaldy (Sir George Campbell). He regretted to see that they had had advertising speeches in favour of Manitoba; and advertising speeches in favour of the Canadian railways. He was afraid that the promoters of those speculations went there with

unclean hands from an unclean nest. The hon. Member for Kirkcaldy asked that they should have security. Where was the security to be got? He was old enough to remember, 45 years ago, when a body of men numbering some 400 persons went to Nova Scotia; and although they had signed bonds and documents for their passages and employment when they reached America, in less than four months most of them had made tracks and were on their way back again. It was then found that they had no security for the payments they had made. He had known many societies formed in the United States in which the Members agreed to contribute towards the assistance of each other; but the moment they got to the United States they dissolved partnership, and the bond of agreement they had entered into was worth less than the paper upon which it was written, seeing that the people who were parties to it disappeared altogether. They were now asked to send the poorer classes of the Irish population to Canada; and he should like to know if the Government had taken upon themselves the duty of advertising agents to the Canadian Government, in order to induce whole families of the Irish people to go out to an inhospitable climate—so inhospitable, that it made most hon. Members shiver when they thought of it. He should like to ask Her Majesty's Government how many of the engagements that were made in England were ratified in Toronto and Montreal? How much of the money that was agreed to be advanced was ever paid, and where were the persons to be found who consented to emigrate? He ventured to say that the great mass of them would be found in the United States. There was no following them, for they got rid of their engagements and went into the United States. He looked upon this proposal not only as vicious, but as immoral in the highest sense of the word. It was immoral because it encouraged people to break the promises and engagements that they had entered into; and the Government that would consent to enforce it would only lead to the ruin of the people that they sent out. They were asked by the present clause to send out the people of Ireland to Canada. What was there in Canada to induce them to send the people Ireland there? If the people of Ireland were allowed to

*Mr. W. H. Smith*

have their own way when they left Ireland they would go to the United States. He was informed, on very good authority—that of an important official of the United States—that during the last 24 years more than £20,000,000 sterling had been sent to this country by persons who had emigrated from England and Ireland, in order to assist their relatives and friends in finding their way to America. He should very much like the Government to give a Return of the amount of money which had been spent in emigration, and he believed they could easily ascertain it from the books of the shipping companies. He should also like to know how much money had been sent from Canada in order to assist the people of this country in emigrating to that Province. He was fully able to corroborate the statement made by the hon. Gentleman opposite (Mr. O'Kelly) that Canadian settlers were rapidly leaving the country. He had visited America more than once, and he was able to say that the rush of emigration from Liverpool, at certain seasons of the year, was nothing like the rush from Canada to Virginia and other parts of the United States, where there was real scope for the employment of the labouring classes, and where every man, no matter what his occupation might be, could find work. He strongly objected to the clause as it now stood. If they were going to permit emigration at all, he asked them not to confine it to Canada, but let it be to Australia, New Zealand, and even to Japan and China. It would be most objectionable to tie the emigrants to one spot, from which at this moment every person was flying. One word for the Conservative Party. The noble Earl opposite might smile now; but that smile would become something very different before long if emigration still went on. Thirty years ago America almost supplied her own wants, and during that period a large proportion of her population had gone on to the land in Minnesota, Iowa, Illinois, and the Great West, increased means of transport had been provided, and the men they drove out of their agricultural districts, and out of their mining districts, by the low rate of wages, these men had found their new home in the West, and were supplying them with cheap wheat. The produce coming from those great Western plains would make their farming and their landed interest do other than smile

by-and-bye. He agreed with the Irish Members in their opposition to the Emigration Clause. Not that he was an enemy to emigration altogether; there were Colonies in the United States planted by himself or under his direction; but the men there went of their own free will, not at the luring of an emigration agent, not at the luring of a Colonial Government—they went under their own desire to be located in a free land among free people. He would only simply say he was altogether opposed to this Emigration Clause as a monopoly to be created in favour of the Canadian Government, in favour of bogus railways and swindling concerns.

COLONEL COLTHURST said, they had been invited to express their opinions by the Prime Minister, and that was his only reason for interposing. Looking at this Emigration Clause as part of a great scheme—as he would call the Bill—for the benefit of the people of Ireland, he entirely concurred in supporting the clause. He looked upon it as one means—the right hon. Gentleman had not put it forward as the principal means, but as a secondary and subsidiary means with the Reclamation Clause; the first means being, of course, the security of the occupier and increased means of purchase. What did this Emigration Clause propose to do? It merely enabled assistance to be given to a certain number of people desirous of emigrating, and who, but for that assistance, could not emigrate. Public opinion would not in the long run support those hon. Members, if there were any such, who offered an unreasonable opposition to this proposal. The present emigration had caused a good deal of alarm and concern in Ireland. That he admitted, and that it had assumed far too large proportions; but this would remain absolutely untouched by the Government proposal. The present emigrants consisted of the sons and daughters of the better class of farmers, and this class would continue to emigrate, and the assistance of the Government would have no possible effect on their going or staying. Take one of the present occupiers of land in Ireland—say, of a farm of 40 or 50 acres. Say he had four or five sons on that farm, was it reasonable to suppose that two or three of those young men would remain at home, servants to their father while he lived, and liable to be turned adrift

by their elder brother when he succeeded to the farm? No; they would continue, as they had continued, to strike out a better career for themselves. But there were also numbers of people—families—who, if assisted, would make a fresh start in life, emigrate, and prosper. Much had been said during this discussion against Canada; but his experience—and he was there for seven or eight years, and visited a great many Irish settlements—was that the people there were most prosperous. It was an entire mistake to say the climate was bad. Cold in winter it was, no doubt; but it was not hotter in the summer than London now was. It was infinitely preferable to English and Irish people to the climate of the Southern States. Some hon. Members had alluded to the failure of the emigration from the West of Ireland in Minnesota. Well, that experiment failed because Father Nugent allowed the people to be chosen for him, and the selection was made of the poorest and most helpless. Bishop Ireland, in a letter he (Colonel Colthurst) had in his possession, said that if the people had been determined to work they would have thriven as Irish people from the towns and cities of the States were thriving. At the same time, this Colony was failing, and this failure was due to their improper selection. But this clause did not select; it was for those who came forward—it was for the assistance of those who were prepared to go, and only needed this assistance to carry out their intention. With the greatest pleasure he supported the clause.

MR. BLAKE said, there would be a far better understanding of the matter if the Committee knew precisely what the clause meant. The great apprehensions were as to the extent of the clause, and it was here that the hon. Member for Roscommon (Mr. O'Kelly) fell into his mistake. As he (Mr. Blake) understood the clause, its operation was by no means confined to Canada or anywhere else; but it would be open to the emigrants to go to Australia, to New Zealand, or any British Possession. He was prepared to express an opinion as to Manitoba and the North-Western Territory, from whence he had but lately returned, having gone over the whole of Manitoba and a part of the North-West Territory; and he confessed he was rather surprised to hear the descrip-

tion of the hon. Member for Roscommon. It must have been many years since that hon. Member visited the country, for his own experience was of an entirely opposite character. No doubt, if he visited the country now he would have much the feeling of a Rip Van Winkle. He described Manitoba as having no railway communication—the fact being that it had already through it the Great Pacific Line, and its railway communication in other respects was fair. The hon. Member described the country as little better than a Sahara. Now, it was well to understand what the climate of Manitoba was. It was quite true it was subject to great vicissitudes, warm in summer and cold in winter. The hon. Member said the temperature was in winter 40 degrees below zero; quite true, and it might be added and sometimes 55 below zero, and sometimes as cold as the Arctic regions. Now, what was the effect of this on the inhabitants of Manitoba? The first inhabitants of the country were the adventurers under the old North-West Company; next came the agents and hunters of the Hudson Bay Company, and the next were the Selkirk settlers, and there were more recent arrivals. Now, some of these descendants of the Hudson Bay men, hunters and trappers, were the finest men he had ever seen, with sons and daughters about the finest type of humanity. He saw some of the survivors of the Selkirk settlement, he could give name after name of those who went out under Lord Selkirk, they were 80 years old and hale and hearty, and their descendants were the finest people they could meet with. Amongst the most successful emigrants, although few, were the Irish people; and one great fact he could not avoid mentioning, that the Permissive Bill was in full operation throughout the greater part of Manitoba, and was extending, and, he was happy to say, with most happy results, and was in full and successful operation in the North-West. But it should be borne in mind that Manitoba was a very small portion of the great North-West, some 340 miles long and 240 wide. There was a wheat belt extending for at least 1,000 miles, and 800 miles wide. The climate rapidly improved westwards. It was capable of much improvement as agriculture progressed. He endeavoured while there to make the acquaintance of the famous refugee Chief, "Sitting Bull," though he

*Colonel Colthurst*

had not the good fortune to meet him; but he was there, and supported his thousands in the North-West territory for years from the buffalo, and where buffalo thrived other cattle would thrive. A more promising region he never saw; with its belt of wheat land 1,000 miles long and 300 miles wide, and grass lands on either side to the extent of five times Great Britain and Ireland. He did not condemn or encourage emigration, he merely stated facts. There were, as all knew, a certain number of people always anxious to emigrate, either from love of a change, desire of adventure, or forced by circumstances. In the United States at this moment there were, it is said, 16,000,000 of people of Irish blood; and although in Canada the number was considerably less, and would always be so, a certain number would go to Canada. And he would appeal to his hon. Friends near him, from whom it was his great regret to differ, if these people were resolved to go, why should not their way be smoothed for them, whether they went to Canada or elsewhere? Was it not better to have some preparation made for their arrival, instead of their going with nothing being prepared for their arrival? It seemed to him to be quite forgotten what it was the Bill offered. He held in his hand the despatch of the Governor General to Lord Kimberley, in which he stated that in the case of single young men and women emigrants no difficulty would arise; but he said in the present distressed state of Ireland it must be by the removal of entire families that any sensible relief would be made in the pressure of redundant population, and for these families arrangements must be made for their temporary maintenance. Then his Excellency went on to explain how a number of small farms had been allotted, that small buildings would be erected for their reception, and the seed actually sown to enable the emigrants to reap a harvest in the first season. It was well known in what a benevolent manner Canada acted for the relief of Irish distress at its late trying period, and this document showed the extreme desire of the Government of Canada to assist any Irish who might wish to emigrate. He quoted from the Report of the Inspector of Fisheries for Galway district, showing that the population in some parts was the poorest in Ireland, at the best just able to eke out a miserable

existence, and always open to the temptation to engage in illicit distillation. The words he quoted he had written himself, and he knew how true they were; the same description would hold good of Mayo, part of Kerry, and other parts of Ireland. And when he went to Canada and contrasted the miserable position of these people in Ireland with the settlers there, he felt that let the consequences be what they might in unpopularity in that House or at home, that he should be committing a deep political sin if he did otherwise than give his support to such a clause as that under consideration.

THE CHAIRMAN: The position of the clause is now entirely altered, and so many Amendments have been given in, that I consider it will be necessary when we meet again to go regularly through the Amendments in the ordinary way.

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

The House suspended its Sitting at five minutes to Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### LAND LAW (IRELAND) BILL.

Progress resumed.

Clause 26 (Emigration).

Amendment again proposed,

In page 18, line 12, before the first word "The," to insert the words "On obtaining sufficient security for the repayment of moneys advanced under this section."—(Sir George Campbell.)

Question put, "That those words be there inserted."

The Committee divided:—Ayes 9; Noes 56: Majority 47.—(Div. List, No. 302.)

LORD RANDOLPH CHURCHILL said, he wished to move an Amendment proposing a different scheme from that of the Government. He was perfectly unable to understand how this clause of the Government would work, although he had given as much attention to it as might be in his power, which, perhaps, might not be much. Who was going to ask for the money? Who were the persons to be employed, and on what grounds were the Commission to advance the money? Were the Commis-

sion going to have interviews with, for instance, Sir Alexander Gordon, and, in that case, who would represent the Irish people as between the Commission and the Government of Canada? How were local knowledge and local wishes to be brought to bear on the Commission? Anybody who looked at this clause would, he thought, come to the conclusion that it was not intended by the Government to have any very actively operative effect. He was perfectly certain the intentions of the Government were good, and that if emigration could be carried on for the benefit of Ireland, and with the concurrence of the Irish people, the Government would be glad to give a lead and direction to that movement; but if he were not satisfied of that, he should say the whole of this clause was a blind, and that the Government merely wished to head one of the clauses with the word "Emigration," and then go to the country and say—"We have dealt with the difficult question of Irish Emigration." He did not believe that was their intention; but that was a charge that could be made against them from the way in which the clause was drawn, for it was so indefinite. He could not make out how any real action could arise under the clause, and he wished to point out that the Government had abandoned the line which Parliament had distinctly laid down on this subject. This was not the first time the question of emigration had come before Parliament. It had been legislated on by Parliament since 1838. The first Irish Poor Law that was passed took into consideration the question of emigration, and Parliament had since that time distinctly and definitely laid down a line to the effect that it would not allow the State directly to interfere in Irish emigration. In the Irish Poor Law Act of 1838 Parliament indicated that the Guardians of any electoral division might apply to the Poor Law Commissioners for authority to call a public meeting of the ratepayers to consider the question of emigration from that electoral division, and a majority of such meeting might apply to the Commissioners for permission to raise a sum, which should be charged on the rates, for the purposes of emigration from that particular Union; so that as long ago as 1838 this question had been prominently before Parliament, and had been dealt with by Parliament. The rate for emigration under that Act

was limited to sums not exceeding 1s. in the pound of the rateable value of the Union, and the emigration was strictly limited to British Colonies. Again, in 1843, the subject was brought before Parliament, and Parliament took a wider view, considering that the calling of a public meeting and requiring the majority of the meeting to declare in favour of emigration was not a machinery likely to produce any great advantage. Accordingly, by the Act of 1843, it was enacted that two-thirds of the Guardians of any Union might assist any destitute person to emigrate, provided that he had been three months in the Union workhouse; but they could only assist him to emigrate to a British Colony. The charge was made to fall on the electoral division, and this action on the part of the Guardians did not require a public meeting. Parliament, in that case, therefore, made some extension of the principle, but they still kept up the limit of the charge paid by the electoral division, and restricted the emigration to British Colonies. He believed that a considerable amount of emigration had taken place under that provision, and many paupers had been assisted to emigrate from workhouses; but he wished to point out to the Committee that a man who had been so degraded as to have been in a workhouse for three months was not the man who would be selected for emigration. He did not believe that a man of that kind was likely to succeed. In 1847 the subject was once more brought before Parliament, and by the Act 10 *Vict.* c. 31, it was provided that the emigration expenses of any holder of under five acres of land should be defrayed by the Guardians of the parish, together with the emigration expenses of his whole family. That was the first time that the emigration of families was recognized by Parliament; but it was stipulated in these cases that the landlord must forego all claims for rent and supply two-thirds of the money required. On that condition the Guardians might provide one-third of the amount, and charge that on the rates of the electoral division. That Act went a great deal further, for it entirely set aside the Act of 1843, limiting the power of the Guardians to emigrate persons who had been in the Union for three months. It allowed the Guardians, with the assent always of the Commis-

*Lord Randolph Churchill*

sioners, to emigrate all persons as long as they were poor and destitute; but such persons had to be approved by the Secretary of State for the Colonies. How the Secretary of State for the Colonies could tell whether a family was suitable for emigration he could not imagine; and, with such a provision as that, the Act was not likely to work out well. Then, in 1849, shortly after the great Famine, Parliament again considered the question, and by the Act 12 & 13 Vict. c. 104, it was enacted that Guardians might apply any money in their hands for the rates of any electoral division, or might borrow from the Government, or from private persons, sums sufficient to emigrate poor and destitute persons. It did not say anything about their being paupers, but simply referred to any poor persons whom the Guardians thought fit for emigration. The only limit he could find in that Act was that the amount should be 2s. 4d. in the pound.

MR. W. E. FORSTER: Does the Act state poor and "destitute" persons?

LORD RANDOLPH CHURCHILL said, he found that the Act did not say "destitute persons." It appeared from what he had said that in 1838, 1843, 1847, and 1849, Parliament had dealt with the question of emigration, and had throughout been consistent in declining to bring the State into direct contact with the people who were to be emigrated, and had left the question of Irish emigration to be decided by the localities, utterly refusing to take the line which the Government now proposed to adopt. There was no question whatever of local authority—it was a case of the State dealing with some individual or public body who need not have any necessary connection with the locality in Ireland. He proposed, after the word "agreements," in page 18, line 13, to leave out—

"With any person, or body of persons, having authority to contract on behalf of the Dominion of Canada, or of any province thereof, or on behalf of any British colony or dependency, or any state or other district in such dominion, province, colony, or dependency, or on behalf of any public company or other public body with whose constitution and security the Land Commission may be satisfied."

In place of these words, he proposed to insert—

"The Land Commission may, from time to time, with the concurrence of the Treasury, enter into agreements with Boards of Guardians,

or with any persons for the time being authorized to act as Guardians to any Union, to advance out of the moneys in their hands such sums as the Commission may think it desirable to expend in promoting emigration in Ireland."

The object of these proposals was to keep the Land Commission, which ought to be a Commission having the confidence of the people, altogether away from any such awkward subject as emigration. He did not wish the Commission to be brought into contact with the people upon this question, but with the local authorities, who must be the best judges of the emigration necessities of their localities. Then the State might be brought in indirectly merely to advance money to these local authorities; that might be done with safety, because the Government would not appear in the light of an agent for deportation. The people who selected and recommended persons for emigration were the Guardians, who were conversant with the people of their district; and he would add, that there was nothing so absolutely essential to the proper conduct of an emigration scheme as local knowledge. Another important consideration was that the Boards of Guardians, being popular representatives, enjoyed the confidence of the Roman Catholic clergy; and, if the confidence of the Roman Catholic clergy was not secured, any clause, such as this Emigration Clause, would be merely waste paper.

THE CHAIRMAN: It is impossible for me to keep the Amendments in their proper order, as they are brought to me sometimes half-a-dozen on one sheet of paper. I understood that the noble Lord was about to move an Amendment equivalent to the Amendment in the name of the hon. Member for Dungarvan (Mr. O'Donnell), to the effect that Boards of Guardians should take the place of the Land Commission. If the noble Lord chooses to move that he is in Order; but if he does not move that, there is an Amendment in the name of Mr. Torrens which it would be necessary to put first.

MR. W. E. FORSTER asked what was the question immediately before the House?

THE CHAIRMAN: I understood that, Mr. O'Donnell not having risen, the noble Lord was going to move an equivalent Amendment—"That Boards of Guardians should take the place of the Land Commission;" but if he does not



move that here, it must be moved at a subsequent point.

MR. W. M. TORRENS said, he might agree with some portion of what the noble Lord had said, but he could not agree with much of it. He understood the noble Lord's view to be that it was desirable, as a general policy, that the business of Emigration should be separated from the Land Commission. In that view he quite concurred, and it was with that view that he placed on the Paper his own Amendment. He wished to induce the Government so to frame the administration of this sub-Department that it should be disconnected, at least permissively, from the action of the Land Commission. He believed it was generally understood that the business of the Land Commission would be more than enough for it to do in the next two years, and he supposed that whether the opinion formed on it was favourable or not, it would have a great deal on hand; if so, he should object to the work of emigration being consigned to the leisure hours of an over-weighted Department; and he should prefer that the Government should have two Departments instead of one. The whole business of Emigration would be quite sufficient work for a special body; and he would explain why he and those who were emigrationists, above all things desired that this Government or their successors should have at their command a sufficiently strong sub-Department to work out what they regarded as a very difficult, a very onerous, and a very honourable function. He regretted very much the presence in the clause of the word "Canada," and he said that not from any lurking disposition to sneer or to find fault, but because it had had the effect of throwing the apple of discord among those Members who were jealous of any preference being given to Canada. As a Representative of the taxpayers of England, he held that no preference should be shown in this matter. If they had, or thought they had, at any particular time or place a surplus population, then they should endeavour to facilitate their transference to any Colony which might be suitable to them at the time, if that Colony should at the time desire to have them; and therefore he regretted the introduction of the word "Canada," because it was an indication of preference which he was sure the Government did not intend. He had no interest per-

sonally in Canada; he had no communication with people in Canada, except in the capacity of public men; but he was bound to say that his intercourse with the public men of Canada had not given him the slightest reason for suspicion of their motives upon this question. But if any suspicion should be entertained with regard to Canada, a despatch from the Queen's Representative in Canada (the Marquess of Lorne) to the Home Government directly and officially upon this subject would dispel suspicion. In March last, he had moved to have that despatch laid upon the Table; and in consequence of the publication of that document, for the first time in the history of emigration in England, a great Colony made them an offer of lands at nominal prices for persons of industrious and respectable character. They might reject that offer if they pleased, but there was nothing in that offer unworthy of Canada. But the noble Lord had amused the Committee with a sort of sketchy history of what he called emigration in this country. He (Mr. W. M. Torrens) must say that anything more unlike his recollection of the history of this question he never heard; it might be an outline from the noble Lord's view, but it was not an outline of anything that he knew. What was the history of emigration in this country? Fifty years ago emigration was considered a most vital subject; several Committees of the House were appointed to take evidence upon it; Commissioners were appointed by the Crown to investigate the question; and the result of all that was the creation of a sub-Department of two Commissioners, with a staff of secretaries, who, for 20 or 30 years, facilitated emigration. That Commission had been allowed to drop. That course he considered a mistake; but it was one of those changes in legislation which might easily occur again, and the Commission might be re-constituted whenever the Government thought desirable. Ten years ago, an hon. Member sitting on the opposite side of the House, who had once held distinguished Office, concerted with him (Mr. W. M. Torrens) a Motion on the subject, which was discussed at great length for a whole summer's night, an effort being made to persuade the Government to re-organize the Emigration Department. What was the argument used then by some hon. Members,

*The Chairman*

who were now Ministers, and other Members who were associated with them? That the Colonies were so depressed, that their organization was so different, that the distance was so far, and the course of post so long, that it was impossible for us to communicate so efficiently as was necessary to exchange surplus labour in our markets. Since that time science had abolished all these obstacles—steamers had been quickened, telegraphy had brought Colonies into direct communication with us; and the result was that when there was a surplus labour in any one market it could be made known all over the world at once. If a system of emigration was instituted under this Bill, say, for Ireland, how would it be possible, at any given time, for the directors of emigration to know when it would be safe to send labour to any particular point of the world that might seem to require it, unless it was in close communication with other parts of the world? Telegraphy had brought the means of doing that which the specific organization he advocated would require to be done; and it would be better, from that point of view, to have a separate Department devoted entirely to the work of emigration than to place the matter in the hands of the Poor Law Guardians, as suggested by the noble Lord. If the noble Lord's plans were adopted, emigration would be disfigured with the taint of pauperism from the start. Emigration, in his view, should have nothing to do with pauperism. In 1870 there was great distress in England, and the labour market greatly overstocked; the head of the Poor Law Department offered to issue a Circular, enabling Boards of Guardians to give assistance to promote emigration. Upon that, he and others who were interested in the subject with him issued a Circular to every Poor Law Union in England, warning them that it would be a fatal mistake to undertake emigration; and in that way they succeeded in defeating the inadvertent purpose of the Government. They did not pursue that course from any pragmatism, but because they had received communications from the Colonies stating that the Colonies would refuse paupers, if sent out as emigrants; and he would now warn the noble Lord that if the Government and the Committee were beguiled into mixing up emigration with Poor

Law relief, Australia, and Canada, and other Colonies would refuse the emigrants. He was authorized and warranted in saying that the Canadian Government would not stand such an affront as that; and the Chief Secretary for Ireland, with such knowledge of Colonial questions, would be able to confirm that statement. If that was the case, what should be done? He would appeal to his hon. Friends opposite, as fellow-countrymen, and ask them, as honest men, loving their country, to consider what they were doing in throwing difficulties in the way of remedying the existing evils. There was nothing in the whole cosmogony of politics so fallacious or false as the talking about over-population and over crowding. In Ireland, he unhesitatingly declared, that there was no over-population; there was fearful overcrowding and fearful shortness of wages; and that during the last 18 months had led to people bidding against each other for the few farms that were available. What else was rack rent? How would landlords be able to increase rents if people did bid against each other? What was wanted was more farms. More farms producing wheat unrivalled in the world were offered to these people, and what was the price? The Irish farmer might say he could not afford to pay 30s. or 35s. an acre; but Queensland, with unlimited resources of untilled soil, offered them 40-acre farms at the official fee of 40s. Farmers who accepted that offer would become 40s. freeholders, and that for ever. These fee farms would not be tenancies that might be terminated, and would not be subject to leases, but would become the freehold possession of the farmers by mere stroke of the pen; and in addition to that, the purchasers would have the option of 40 acres more at a £1 fee. It was not in the power of the Land Bill, or of the Ministers, or Parliament to give land on these terms in this country; but the Colonies were able to make this offer, and not as a favour. In Leinster, in Ulster, and in Connaught, and in Canada, he would say there was not a surplus population; but it was admitted that the overcrowding was fearful in the West of Ireland. Canada and New Zealand offered land as large as Ulster, Leinster, and Connaught put together, capable of growing wheat; and why would hon. Members,

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for a mere political sentiment, object to people accepting that offer? The reason why the clergy of the people naturally, and he thought justly, objected to let their young people wander away from their homes was that they would be unable to exercise over them any moral influence; but if hon. Members would only enable the Government to do what was reasonable and right, the Colonial Governments would place no difficulties in the way of the establishment of Protestant, Roman Catholic, and Presbyterian villages throughout the Colonies. He did not mean to say that they could suddenly uproot and transport Mayo, and place it in a distant part of the world, and he did not desire to see anything of that kind; but what he did wish to see was fusion instead of confusion. They had had confusion with a vengeance, and now he hoped hon. Members would try to create fusion. He had once heard a gentleman ask the question why this country should do anything for the good of her Colonies? He (Mr. W. M. Torrens) maintained that if people emigrated for our good as well as for their own, and for the good of those to whom they went, we should be spending our own money wisely in assisting them. He believed, from his knowledge of the subject, that there was not the least risk as to the Government recovering the advances; but if the money were all lost would it not be well lost? Was it not better to spend the money in true glory than in real sham? He would urge the Committee to spend their money, and put an end to discontent, and to do that which was good for all.

*Amendment proposed,*

In page 18, line 12, after "the Land Commission," insert "or such other Commission for the purpose of emigration as Her Majesty shall appoint."—(Mr. W. M. Torrens.)

*Question proposed,* "That those words be there inserted."

Mr. EWART described this Amendment as raising the most important question that had arisen under the Bill, and, expressing a hope that good would result from the clauses on the right of free sale and on fixed rents, explained that a holder of only five acres could not earn a subsistence from his holding. At the bottom of the present state of things in Ireland was a want of energy

and industry; but he defied any man of energy and industry to maintain himself out of five acres of land. So long as there were those small tenants, there would be constantly recurring bad seasons. But how were they to be got rid of unless the tenants were encouraged to emigrate, and the small holdings consolidated? The soil could not be fully developed with such small holdings. The tenant of a five-acre farm would rarely have an animal upon it. He could not keep a horse or a cow, and was in the position of a factory operative thrown back to the hand-loom or spinning jenny. Every effort ought to be made to consolidate these small farms, and for that reason he approved of the Emigration Clause. Ireland was not overpopulated, but there were far too many of these small farms. The assistance proposed should, however, be given only to tenants, and he feared the clause, as it stood, would be inoperative. He did not think the mere granting of loans would carry out the scheme of the Bill; it would require considerable grants of public money, and £1,000,000 devoted to this purpose would not be an overgrant. The thing could not be carried out by the clause as it stood, and he hoped the Government would amend it.

THE CHAIRMAN: It is not the clause that is before the Committee just now. It is the question whether an additional Commission for the purposes of emigration shall be nominated.

Mr. W. E. FORSTER: I have heard with interest and have been much struck by the speech of the hon. Member for Finsbury (Mr. W. M. Torrens); but I do not propose to follow him in his general remarks, because there are many Amendments on the Paper, and the discussion of the general principle of the clause can better be postponed till we come to the clause itself. I shall therefore assist in carrying out your ruling, Sir, if I confine myself in reply to the Amendment brought before us. I have no great objection to the words proposed; but I hope the hon. Gentleman will not press the Amendment, because the Government have no intention of appointing another Commission, and the Amendment would give an altogether wrong impression. There is no difficulty in so arranging the business of the Commission that emigration can be well attended to, because they

*Mr. W. M. Torrens*

will have power to appoint Assistant Commissioners, and no doubt they will be able to obtain assistance if they find that their other important work will not allow them to deal individually with emigration. Therefore, I trust the hon. Member will not press his Amendment. The hon. Member made one suggestion to which I may allude, because I think it was very valuable. There was nothing further from the intention of the Government than to give a preference to one Colony over any other, and I see no reason why the word "Canada" need be retained. It was inserted because Canada is nearer to us, and opens out great inducements to emigration at the present moment; but there is no reason why it should stand in the Act of Parliament before the other Dependencies, and we shall be quite prepared to omit the words "on behalf of the Dominion of Canada, or of any province thereof," and make the clause read—"contract on the part of any British Colony." I have some remarks to make on the general policy of the clause, but I think it would be more convenient not to make them now.

Mr. O'DONNELL said, he could quite agree with the view of the right hon. Gentleman as to the proposal of the hon. Member for Finsbury; but, at the same time, he thought the Committee would not do well to allow themselves to be carried away from the arguments of the hon. Member by admiration for the language in which he clothed his thoughts. For instance, it sounded extremely well when the hon. Member described the miserable condition of some of the poorer populations in the West of Ireland, where there was overcrowding through some of the neighbouring districts being depopulated; and then presented to their mental vision a dazzling picture of the future of these poor Irishmen when transplanted to the Arcadiæ of Manitoba and elsewhere. He said in place of their sufferings in Ireland the Irish peasants would get 40-acre farms for a few shillings, with beautiful skies and fertile soils—that, in fact, for 40s. they could be happy and comfortable. But he would remind the Committee that the Irish peasant must pay, not only 40s., but he would have to pay 40s. plus denationalization; he would have to pay 40s. plus banishment; he would have to pay 40s. plus

his separation from all the associations which were so especially dear to all the Irish race. The hon. Member spoke of the Irish peasant as a freeholder; but the Irish peasant did not desire to be turned into a freeholder—at the Antipodes. The hon. Member for Finsbury did admit that among the objections to the plan of banishment which he advocated was something which he considered mere political superstition; but it was that political superstition which kept an Englishman from becoming a Frenchman, a Frenchman from becoming a German, and a Pole from becoming a Russian, and which he hoped would prevent an Irishman from ever desiring to be anything else than an Irishman, or from making his own prosperity a consideration separate from the prosperity of his country. The hon. Member for Belfast (Mr. Ewart), had said some kindly words as to the spirit in which the Prime Minister had introduced this clause; but he must be counted an opponent of the clause, for the keynote of his speech was that Ireland was far from being overpopulated. That was his (Mr. O'Donnell's) opinion, and he failed to see why the British taxpayer, who had to pay for the Transvaal and other blunders of the Government, should be called upon to pay for an additional blunder for promoting emigration. The proposal seemed to him to lack the usual breadth and force of philosophic Liberalism. Ireland was, in his opinion, distinctly under-populated; and the fact that in some of the poorest and most wretched parts there was overcrowding, was due to the circumstance that the beneficial results with which British rule had blessed Ireland had caused acres of waste in the place of districts which might be inhabited by Irish peasants. Before adopting measures for transplanting the Irish people, England ought to adopt the best measures for enabling them to live in comfort in Ireland; but the Government were anxious to devote something between £1,000,000 and £2,000,000 to the transportation of Irish peasants to Botany Bay and elsewhere; and it was curious that whereas England used to be inclined to spend large sums of money to get rid of her worst citizens, she now wanted to get rid of her best citizens, and to transport 50,000 or 100,000 Irish families to other countries. He should be prepared

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to give some assent to that proposal if the Government would meet the Irish Members half-way, and would engage, before transporting these people, to settle 100,000 Irish families, now in the overcrowded districts, on the depopulated parts. Then, if there were any Irishmen left requiring to be emigrated and dealt with in the drastic way proposed by the clause, the Government could make their proposal with a better chance than they now could. Then, another point was that even if there was reason for emigrating Irish people, Irish Members ought not to be parties to a scheme binding down that emigration to simply British Colonies, for that meant nothing else than political disfranchisement and political degradation. What were the contemptible politics of Canada compared with the privileged and grand politics of this country? If there were an Imperial system in which the people of Canada, Australia, and elsewhere could make their voices heard in Imperial politics, then Irishmen would not be transported, by emigration, to places where they would have no voice in shaping the destinies of their own race. But if there was to be any exclusive region to which the Irish peasants should be sent it ought to be to the United States. England had, by her policy, diminished the population of Ireland. By a long course of mismanagement she had caused the people of Ireland to become a minority of the Irish race; and, no matter where a race was bred, the minority must be guided by the wishes and will of the majority to a large extent. The centre of the Irish nation had been transported to the United States; and until English statesmen redressed the grievances of Ireland, they must be content to see the Irish people dwelling in their own dominions, following more and more that great and vast majority which they had driven outside their dominions. The constituencies of the Irish Members were, to a great extent, influenced by the greater Irish constituencies across the Atlantic; and if the Government would blindly close their eyes to that fact, and spend £2,000,000 to plant hundreds and thousands of Irish emigrants within the magic circle of British dominion on the borders of the United States, they would only be paying the passage of those people 99-100ths of

the way to the American Republic. If, therefore, the Government did not want to conceal their object, they would frankly admit that they were asking the Committee that day to vote large sums of money in order to increase the population of the United States. Deeply as he deplored it, he must still feel that the Irish race would manage to derive a certain amount of comfort from that transaction. He asked, did the Government imagine that the Irish people were going to be caught by the prospect of getting farms at the cost of 40s. each, plus denationalization; that they were to be enticed by the prospect of becoming freeholders at the Antipodes; that they would be parties to a scheme for depopulating Ireland still more; and that they were going to consent, above all, to their brothers being transported to the interior regions of second-class Colonies and Dependencies? As a protest against depopulation, against the disregard of the opinion of the Irish people expressed through their Representatives in Parliament, and against the odious system of British misgovernment in Ireland, he should struggle against this clause line by line, and word by word, and do all in his power to hold it up to contempt. The Government might succeed, after long discussion, in passing the clause in words; but, he said, it was not in the power of the British Parliament to give it effect. He and his hon. Friends pledged themselves to render this scheme of expatriation ineffectual.

MR. BIGGAR said, it was a great misrepresentation to say that this clause was supported by the opinions of Irish Members. The opinions of Irish Members, as a rule, received no consideration whatever; indeed, in matters of this kind, it appeared to be the practice of Ministers to oppose their views, and set their experience at defiance. With regard to the Amendment before the Committee, he took exception to the evidence adduced by the hon. Member in support of a very material part of his case. No doubt, many years ago, the hon. Member had been a Member of a Commission which went into the Western parts of Ireland, and there gathered certain information and experience, and came to a conclusion with regard to the state of the population in those parts, and the proper remedies which should be applied to the existing state of things. But the

*Mr. O'Donnell*

hon. Member forgot that a great deal had happened since that time, and particularly that the population of Ireland had fallen away by upwards of 3,000,000. In short, the condition of the country at present was entirely different from what it was in 1835. He did not himself pretend to a very intimate acquaintance with the Western parts of Ireland; still, in the spring of 1880, he had visited the counties of Leitrim and Mayo, and had had a good opportunity of seeing the state of things which existed in those two counties—particularly Mayo—which were intended to be influenced especially by the Bill now before the Committee. His experience of those counties was that the good land there was almost completely depopulated, and that it could support in comfort a very much greater population than existed there at the present time. The population had been entirely cleared away from the neighbourhood of the towns, and there was little else to be seen than large tracts of grass land, which were used for grazing cattle. He believed that a noble Lord had said on one occasion that he would make the grass grow at the doors of the shopkeepers in the streets of the towns in the county of Mayo; and although, he was happy to say, the noble Lord had not been thoroughly successful in carrying out his intentions, anyone having experience of the counties of Leitrim and Mayo would know that the people who cultivated the land had been driven from the good land to the mountain side, and that cattle were now grazing where their dwellings once stood. That state of things proved to the satisfaction of every reasonable person that those two counties were no more over-populated than any of the other counties of Ireland. In some small districts there might be a greater number of inhabitants than in others; but no such thing as a superabundant population existed. What the Government ought to do was to take the matter in hand with a determined spirit, and force the men who, not many years ago, depopulated large tracts of land in Ireland, to allow the people to return to the land from which they had been driven. That was the only substantial remedy which could be applied to the great grievance he had described. With regard to the county of Galway, he knew little beyond the fact that it was a large cattle-feeding

county — which proved that it was equally adapted to the feeding of large numbers of the people. But what was the project of the hon. Member for Finsbury (Mr. W. M. Torrens), as expressed in his Amendment? It was that some new Commission or tribunal should be erected by the Government for the purpose of making arrangements for the further depopulation of Ireland. But the real truth of the matter was that Ireland was too thinly populated already. It was an increased and not a decreased population that was wanted there. There might be some small districts in which the population could be lessened with advantage; but it was perfectly within the power of the Government, if the Bill had been properly framed, to have effected this by allowing the people the opportunity of filling up the partially reclaimed lands, which would be sufficient to support a very large population. But instead of that, the Government proposed to transport these people to a climate where probably a large proportion of them would die in a short time. He wished to speak with some degree of plainness. The Government had assisted the landlords in evicting the tenants of Ireland from their holdings, on which they could have lived in comfort had they been permitted to remain in them at a reasonable and fair rent, and they now proposed to send them to a place where the snow lay upon the ground during many months of the year, and where, as a matter of certainty, they would not long survive. In his opinion, these people could neither settle nor live in Canada; they would get from under the British flag, and place themselves under the Stars and Stripes, in a country where they would live as free men—not as slaves. He certainly thought that the clause ought to be at once withdrawn. It was opposed by the great majority of Irish Members in that House with a determined resistance, and he hoped that night would see the last of the scheme of a Liberal Government for the depopulation of Ireland. With regard to the Amendment of the hon. Member for Finsbury (Mr. W. M. Torrens), which went even further than the proposal of the Government, he could not, of course, entertain it for a moment.

MR. MAC IVER said, he could not help thinking that the clause was un-

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necessary. No one could call to mind the population of Ireland 20 or 30 years ago, without being struck by the fact that since that time it had decreased by an amount as large as the entire population of Scotland. In the face of that reduction of more than 3,000,000 of people, what case was there for emigration as a remedy for Irish distress? Ireland was already far too much depopulated. He had listened with some regret to the remarks which had fallen from some hon. Members with regard to the Dominion of Canada, which seemed to him perfectly unfair and unwarranted. It was no business of his to speak on behalf of Canada; and yet he might, perhaps, be permitted to do so, because in former times he had been to a large extent connected with the business of emigration. There was at one time at Liverpool great competition between the various lines of steamships.

THE CHAIRMAN pointed out that the hon. Member was travelling beyond the Amendment before the Committee. The hon. Member would, at a subsequent period, have an ample opportunity of speaking on the general question.

MR. MAC IVER said, he was simply replying to some remarks made quite recently with reference to the Dominion of Canada; but, if he was ruled out of Order, he should be obliged at another time to call the attention of the Committee to the subject.

THE CHAIRMAN said, that the discussion had been too discursive.

MR. MAC IVER then moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Mac Iver.*)

MR. HEALY said, the Prime Minister had reminded Irish Members that the population of Ireland was steadily diminishing, and that she was not now entitled to the same amount of representation as she had before. He regarded that as a hint from the Government that if Irish Members assented to this further scheme of depopulation, they would find a scheme brought forward for the re-distribution of seats, which would cut down the Representation of Ireland in that House to something very low indeed.

*Mr. Mac Iver*

THE CHAIRMAN said, the hon. Member could not, on a Motion to report Progress, speak upon general subjects.

MR. HEALY said, he had always understood that on a Motion to report Progress, it was allowable to speak more widely. He remembered that on a former Motion to report Progress the Chairman allowed an hon. Member to put a question which was not germane to the subject before the Committee.

THE CHAIRMAN said, that some reason must be given why the debate should not be continued.

MR. HEALY said, he was not responsible for the Motion to report Progress. The Motion was made in order to give the Government further time to consider the clause. He desired to speak on the clause; but, if he was ruled out of Order, he would sit down.

THE CHAIRMAN said, it would be entirely out of Order for the hon. Member to discuss the clause on the Motion to report Progress.

MR. HEALY wished to know whether he would be in Order in discussing the Amendment of the hon. Member for Finsbury?

THE CHAIRMAN said, that immediately the Motion to report Progress had been disposed of, the Amendment of the hon. Member for Finsbury would come before the Committee.

MR. MACFARLANE said, if it would not be out of Order, he wished seriously to appeal to Her Majesty's Government to withdraw the clause. Although hon. Members on both sides of the House had spoken against the clause, he did not remember that a single voice had been raised in its favour. The Irish Members were almost unanimously opposed to it. There were many provisions in the Bill which would be of inestimable value to the Irish tenant, and he did not wish to see the progress of the measure delayed for 12 hours for the sake of this clause, which, if it were ever so good, was not worth fighting for as compared with other portions of the Bill. He observed that Irish Members were determined by every means in their power to resist the clause; and, indeed, he thought they were justified in their opposition. Therefore, for the sake of harmony and dispatch, he appealed to the Government to remove the clause from amongst the valuable concessions made to the Irish tenants in the Bill.

It was entirely incorrect to suppose that Ireland required to be depopulated. What was needed was not emigration but distribution; and he believed that if the Government would put forward a scheme of migration, it would receive the support of hon. Members for Ireland. Looking at the clause as a serious obstacle in the way of the immediate passing of the Bill, he again appealed to the Government to withdraw it.

MR. W. E. FORSTER demurred to the statement of the hon. Member who had just spoken, that all the speeches which had been delivered were against the clause. Eighteen Members had spoken—ten in favour of and eight against the clause. Of these 18 Members, four Irish Members had spoken in favour of the clause and four against it.

MR. R. POWER regretted that the hon. Member for Birkenhead (Mr. Mac Iver) had moved to report Progress, and he trusted the Motion would be withdrawn. At the same time, he should be glad if the Government could hold out any hope of the clause being withdrawn, because he believed that its retention would considerably delay the passage of the Bill through the House. For his own part, he felt very strongly upon the subject of emigration; he had done all in his power in conjunction with his Colleagues to resist the scheme, and was determined, if the Government persisted in retaining the clause, to use every Form of the House to prevent its forming part of the Bill.

MR. MAC IVER, reserving his right to continue his remarks upon the subject of emigration to Canada, and in view of the wish expressed by hon. Members, was willing to withdraw his Motion to report Progress.

MR. PARNELL said, before the Motion was withdrawn, he wished to impress on the Government the importance of the remark made by the hon. Member for Waterford (Mr. R. Power), that the Government should have regard to the opinions of Irish Members expressed on the vote for or against this clause. He could not, of course, tell what would be the result of such vote. It was quite possible that the majority of Irish Members might be in favour of the clause; and, if so, then he thought that the clause ought to stand part of the Bill, but not otherwise. It would simplify

matters very much with regard to the question which the Prime Minister had ventilated if the matter were put to the vote amongst Irish Members, the Government being bound by the majority. He could not pretend to say what the result would be; but if the decision was against the wishes of the majority of the Irish constituencies, it would be their fault, and not the fault of the House or the Government. The sooner the Irish constituencies learned that they were responsible in these matters, the better it would be for the Constitutional and Representative Government of Ireland. He did not wish to press unfairly on the Government; but he regretted that they had taken the discussion on the clause that day. The question of emigration was one which was linked into every line of Irish history. It was connected with many unfortunate and horrible occurrences in Ireland, of which he felt sure every Englishman was ashamed at that day. When they looked at the Emigration Returns, it was easy to see how the life-blood of Ireland had been ebbing away; how, since 1841, the population had diminished by 3,000,000 of persons, the actual population showing a very much larger diminution than this 3,000,000, because such diminution would not represent the increase of population which might naturally have been expected to occur in Ireland in the same way as in other countries. Every class of persons in Ireland was interested in this question of emigration. He believed in the truth of the words of Archbishop Manning—that there was in Ireland work for every man, woman, and child, and that there was land enough for each individual of the population of the country. He believed, also, that it only required practical acquaintance with the necessities and possibilities that existed in Ireland, but which could be acquired in no other way than by living there, to enable the people to have that abundance of work which, when applied, would alter the face of large portions of the country.

THE CHAIRMAN pointed out to the hon. Member that it was not competent to discuss the whole of the clause on the Motion to report Progress.

MR. PARNELL said, he did not wish to anticipate the discussion which might take place on this clause. His object was to save time, and prevent reasons



which might induce the Government to postpone the clause; but, of course, if the Chairman did not wish him to proceed with the line of argument he was following, he would desist at once.

MR. MULHOLLAND said, lest the silence of Members from the North of Ireland should be misconstrued, he desired to explain that they wished to defer speaking on the clause generally until the Amendment was disposed of. He hoped the Prime Minister would not give any weight to the appeal that had been made to him to withdraw this clause. The second reading of the Bill was supported by the Conservative Members from Ulster, on the faith that this most important clause would remain part of the Bill. The question of emigration, as the hon. Member for the City of Cork (Mr. Parnell) had said, concerned every man, woman, and child in Ireland. When the time came, he believed he could prove from statistics that the statements which had been made with reference to the under-population of the country were entirely without foundation.

LORD RANDOLPH CHURCHILL defied any hon. Member to receive the announcement of the hon. Members for Wexford and Cork—that this clause might delay the Bill for some days—without feelings of dismay, when it was recollected that the Prime Minister had announced that Parliament might be prorogued at the end of the first week in August. That period was now rapidly approaching, and the 26th clause of the Bill was still incomplete. He failed to see how any particular importance could be attached to this clause in its present form, because he was certain that it would be absolutely inoperative. No action could take place upon it. He suggested to the Government, without any after-thought, and being solely actuated by a desire to see the Bill make reasonable progress, that, as in the case of the last clause, they should consent to a compromise, and modify the present clause by providing machinery which would have the real effect of promoting legitimate emigration from Ireland, and that in a manner which would not excite the patriotic feelings of Irish Members. By that means, he thought the present obstinate and alarming opposition to the clause might be obviated, and he trusted that the Government would adopt it for

the purpose of facilitating the progress of the Bill.

SIR STAFFORD NORTHCOTE: The position of the question is, to a certain extent, an involved one. At the beginning of the evening my noble Friend (Lord Randolph Churchill) suggested an improvement in the clause in a speech of research and ability; but in consequence of an Amendment which took precedence of the words proposed, the discussion raised by him could not be pursued to its end, and thus we had a new discussion raised by the hon. Member for Finsbury (Mr. W. M. Torrens), which approved of the general object of the clause, and proposed additional machinery for the purpose of facilitating emigration, which machinery he regarded as preferable for the execution of the work to that provided by the clause. Well, Sir, we have not been allowed to come to a decision on either of these two Amendments, which is unfortunate, because until we know whether if at all the clause is to be amended, it is premature to come to a decision upon the Question of the clause standing part of the Bill. I hold this to be a most important and most valuable clause. We are quite prepared to discuss the question whether the particular form proposed by the Government is the best. I am inclined to think that it is, and I am not satisfied by the observations which have fallen from my noble Friend, and from the hon. Member for Finsbury, that we should improve it by adopting their suggestions. Those Amendments, however, merit consideration; but we are now on the question of reporting Progress. My hon. Friend the Member for Birkenhead (Mr. Mac Iver), who moved it, is willing to withdraw that Motion; and I venture to suggest that if the Committee really desire to discuss the important question contained in the clause, they will do wisely to allow the Motion to report Progress to be withdrawn, so that we may proceed with the consideration of the Amendment of the hon. Member for Finsbury.

MR. DAWSON said, that the assertions of the Prime Minister with regard to reclamation of waste land—the changes to be effected, and the manner in which they should take place—afforded ample grounds for the withdrawal of the clause. He was quite at a loss to understand why they should

*Mr. Parnell*

ask the Government of Canada to give 40s. freeholds to Irishmen when there was plenty of land in Ireland which would supply their wants. He would have no objection to emigration *per se*, if the resources of the country were exhausted; but he maintained that this was far from being the case.

THE CHAIRMAN said, the hon. Member was not at liberty to discuss the merits of the clause on a Motion to report Progress. Discussion on the Motion to report Progress was for the purpose of giving reasons why the Committee should not proceed with the consideration of the Bill.

MR. DAWSON said, it was difficult to understand what hon. Members might discuss on a Motion to report Progress.

THE CHAIRMAN said, he had explained that already.

MR. O'DONNELL said, he thought that hon. Members had misunderstood the bearing of the Chairman's ruling. Some of them appeared to believe that, according to that ruling in discussing an Amendment, the clause to which that Amendment applied could not be discussed. But surely that could not be intended, because how could he, for instance, who had an Amendment on the Paper relating to the Boards of Guardians, show that the clause would work better if his Amendment were adopted, unless he could examine the whole clause? If they were not to discuss the clause so long as Amendments with reference to it remained on the Paper, he thought it would be a great convenience if those Amendments were withdrawn until the bearing of the clause was understood, when their discussion could commence with more advantage. They were in this position, that the prestige and eloquence of the Government had already been devoted to laying a certain account of the clause before the Committee, and, as an hon. Member had observed, it appeared that they were to be precluded from criticizing the Government statement because some hon. Member had moved an Amendment. The Government said that the clause conferred such and such benefits; but a number of Amendments were placed on the Paper under the impression that those benefits were by no means conferred by the clause. If, then, they were not allowed to discuss the clause, how could they put forward arguments

in support of their Amendments? Under the circumstances, he thought it would be better for hon. Members to withdraw their Amendments from the Paper for a day or two, and when the clause had been properly discussed they could be again brought forward.

MR. CARTWRIGHT said, he thought that the remarks of the hon. Member amounted to a challenge of the ruling of the Chairman, and were entirely out of Order.

THE CHAIRMAN said, the observation of the hon. Member for Dungarvan had relation to the previous Question and not to the Motion to report Progress then before the Committee.

MR. O'DONNELL said, he was simply asking for an explanation, because a large number of Members really did not understand the last ruling of the Chairman.

THE CHAIRMAN said, the hon. Member must have observed, by the discussion which had taken place, that every reasonable latitude had been given to hon. Members to speak upon the general working of the clause whilst discussing Amendments. He did not consider that any narrow restriction had been placed on the discussion of any Amendment.

MR. HEALY said, he thought the best thing would be to have a division on the Motion to report Progress. If the Irish Members who were opposed to the clause were in a minority, let the clause stand, and *vice versa*.

MR. FINIGAN said, he felt very much obliged to the hon. Member for Birkenhead for moving to report Progress, because he thought the Government ought to have further time to consider this very important question. He was not personally opposed to a scheme which would assist the Irish people out of their difficulties; but he considered that those difficulties could be solved in accordance with the Irish national will better by a system of migration than that of emigration to Canada and other Colonies. He believed the Government would best serve the interests of the Bill and the expectations of the Irish people, if they consented to report Progress, or adopted the alternative of leaving emigration to be considered as a separate measure at some future time. The object of the Bill being to create peace and contentment in Ireland, he thought the Go-

vernment would act wisely in dropping the clause altogether, or in consenting to the Motion to report Progress, in order that some amicable understanding might be come to between the Government and the hon. Member for Cork City (Mr. Parnell), who certainly represented Irish opinion upon the subject in that House. If the Motion to report Progress were withdrawn, he trusted it would be on the understanding that some compromise would be arrived at on this very important question.

MR. O'SHAUGHNESSY said, he thought that when they arrived at the discussion of the important Question whether the clause should stand part of the Bill, the Committee would much regret that they had not had an opportunity of expressing their opinions upon the clause before the Amendments were considered.

Motion, by leave, *withdrawn*.

Amendment proposed to the proposed Amendment, after "Commission," leave out "for the purpose of emigration."—*(Mr. Healy.)*

MR. O'DONNELL said, he understood the hon. Member for Wexford (Mr. Healy) to propose that certain powers might be given to the Land Commission, but that they should not be exerted for the purpose of emigration. He thought now, that in harmony with the ruling of the Chairman, and also in harmony with the wishes of those Members of the House who were anxious to discuss this question, that the Committee would now be able to consider the question whether emigration ought to be included amongst the objects of the Land Commission. He thought a much stronger case must be made out for emigration before the Committee could consent to the increased facilities demanded by the Amendment. Irish Members considered that emigration was distinctly injurious to the public welfare of Ireland, and calculated to harm the whole purpose and object of the beneficial measure which had been proposed by the Government. If those facilities were for the purposes of migration, or for the development of Irish industries, as was proposed in a generous moment by the noble Lord the late Postmaster General (Lord John Manners), then, indeed, the objections of a certain number of Members of the House would

disappear; but, not content with the alterations to be introduced by the clause, the hon. Member for Finsbury proposed that additional facilities for draining the life-blood of the country should be placed in the Bill—that the clause, in fact, should be turned off in a direction which must militate against the successful operation of the remedial clauses of the measure. The Government had obtained the consent of the Committee to a clause giving security to the tenant, and to a provision for increasing the proportion of peasant proprietors in Ireland; but the hon. Member for Finsbury opposed himself to the beneficial intentions of the Government, and would take upon himself to draw off from the soil of Ireland those who would otherwise become proprietors, and take the place of the large landowners. He thought the hon. Member hardly deserved the compliment paid to him by the Chief Secretary for Ireland, when speaking of the eloquence with which he had introduced his proposal, for, in his opinion, the right hon. Gentleman might have accompanied his recommendation of the hon. Member's style by a strong condemnation of his proposal to maximize the temptations to the depopulation of Ireland. Under the circumstances, he hoped the hon. Member would take steps to cut short the present discussion, and bring the Committee nearer to the consideration of the clause which, like the water that approached the lips of Tantalus, slid away when it was most desired. Were not the powers conferred upon the Commission enough in all conscience for the purpose of emigration? He might object that the Commission had already enough to do without devoting itself to emigration purposes. The Government had said that the Land Commission had so much to do in a judicial capacity that the Board of Works must not be relieved of any of its usual obligations, and that the Land Commission must be left to the great duty of settling the questions between landlord and tenant. For his own part, he wished the Government had left the Land Commission in the undisturbed possession of its powers of judicial regulation of rent; but, seeing that they had proposed to saddle it with the additional and ungrateful task of diminishing the number of applicants for its equitable intervention, and of diminishing the number of

*Mr. Finigan*

those to whom the Bill was intended to bring security and comfort—that was, in itself, a sufficient reason why the Amendment of the hon. Member for Finsbury should not have been introduced.

MR. HEALY observed, that the Chief Secretary for Ireland, that day 12 months, when speaking on the Relief of Distress (Ireland) Bill, said the question under discussion was a matter upon which he must be guided by the feeling of the majority of the Irish Members. He wished to know whether the right hon. Gentleman, on the question now under discussion, thought he should be guided by the feelings of the majority of Irish Members?

MR. DALY said, that he had been, at first, in favour of the clause, having rather too quickly accepted the statement that the emigration was to be voluntary; but he had since discovered that it was to be limited in scope. If the Government had said that the principle of voluntary emigration should apply to the districts where there was a congested population, he should have been in favour of the Government scheme; but he believed that, as it stood at present, it would be injurious to his fellow-countrymen. He regarded the plan of emigration, under any circumstances, as a confession of failure on the part of the Government; and he did not see how anyone who looked at the facts could come to any other opinion than he entertained. Again, in the Government proposal there was no provision whatever that the happiness or prosperity of the emigrants should be secured. Nor was there any security that the contracts entered into by the Companies would be fulfilled. He had simply risen to express his views on the subject of emigration, because the Prime Minister had himself invited an expression of opinion upon that question on the part of Irish Members. He said if justice was to be done under this clause the Government should allow those people of Ireland who for generations had been at the lowest ebb of prosperity to have a certain sum of money for the purpose of emigrating if necessary, and to go where they liked.

MR. O'SHAUGHNESSY said, he thought that, as the general effect of the Bill would be to lead to the consolidation of holdings, emigration would

not be stimulated by the clause. The Emigration Clause would, no doubt, afford some help to the emigrant, and were, so far, beneficial. But his experience as a Member of Parliament was that more applications came to him from the young men of his constituency than the old—from the very men, in fact, whom it was desirable to retain in the country. He now wished to submit one or two considerations which weighed on the other side.

THE CHAIRMAN pointed out that the hon. Member was discussing the clause.

MR. PARNELL wished to know whether it was the ruling of the Chairman that the hon. Member for Limerick could give his reasons in favour of the clause only?

THE CHAIRMAN said, he had not ruled the hon. Member out of Order, but had pointed out that the hon. Member was not speaking to the Amendment.

MR. O'CONNOR POWER suggested that the Amendment of the hon. Member for Finsbury should be postponed till the Report, so that the discussion might be relieved of all unnecessary contentious matter.

MR. W. M. TORRENS said, he certainly never dreamt less of anything than of raising a bone of contention. He had made his suggestion in perfect good faith, and he really believed that it might have been accepted by Her Majesty's Government. If he had not thought so he would not have moved it. As it was, he begged leave to withdraw the Amendment.

THE CHAIRMAN asked whether the hon. Member for Wexford would also withdraw his Amendment?

MR. BIGGAR said, that his hon. Friend was not present, and had not left any instructions with him upon the subject; and he was, therefore, not prepared to withdraw it on his hon. Friend's behalf. It appeared to him that the Amendment was an exceedingly reasonable one. As he understood it, it did not criticize the clause at all, but merely expressed the opinion, in very explicit terms, that emigration was not desirable. Now, if he might make a suggestion to the Prime Minister, it would be that the Government should give the Committee some reason in favour of the proposed emigration. He did not remember, in any

of the speeches they had heard, hearing any argument in favour of emigration, or any statement of facts which would lead them to the belief that emigration was desirable. He thought that if they were to have from the Government some explanation of the reasons of their introduction of that project of emigration, they might then be better disposed to entertain an idea of the subject. But, as the matter at present stood, they were really entirely in the dark; and, so far as he knew, they had not heard a single statement in favour of the principle, and until that had been supplied he thought the Amendment should stand as it did, and that they should oppose the general principle until some argument had been advanced in favour of it. He believed that it was a general principle that no legislation should be proceeded with until they had had some arguments in favour of it. Of course, all legislation involved the question of time, and certainly would in regard to that particular case, because the expense and the risk of waste of public money involved in the scheme might entail a great deal of misery and annoyance; and, therefore, he thought that the Amendment should not be withdrawn.

MR. LEAMY said, he thought it was well that they should take a division on the Amendment. They had been discussing it for some considerable time. For his own part, when he saw the Bill the first time, he considered that there were two blots in it. The first was the absence of any clause relating to arrears of rent; and the second was the presence of the clause regarding emigration. For his part, he should use every form of the House to resist the clause.

Amendment and the proposed Amendment of it *negatived*.

MR. BIGGAR proposed, in page 18, line 12, to leave out the words "from time to time" in order to insert the words "till the 31st of December 1881."

Question proposed, "That those words be there inserted."

MR. O'DONNELL rose to Order. He had had an Amendment which he had not been present to move at its proper time. He wished to insert the words "with the consent of the Board of Guardians," after the words "Land Commission." He wished to know whe-

ther he was in Order in moving that Amendment?

THE CHAIRMAN said, the hon. Member could move his Amendment.

MR. O'DONNELL said, that, as he understood the noble Lord the Member for Woodstock (Lord Randolph Churchill) had a similar Amendment on the Paper, he would not move his own.

MR. BIGGAR said, that the Amendment he had moved was a very simple proposition, and he would at once state his reasons for it. The Bill proposed to allow the Land Commission to do certain things. It had, first of all, to settle rents. It had to make arrangements with regard to leases, and the buying and selling of property, and a number of different things. If the Bill was to be of a generally beneficial nature, as they were led to believe, though on that subject he need not offer any opinion, the result would be that there would be very little occasion for emigration at all. It was alleged by the advocates of the Bill that the prosperity of Ireland would so suddenly become great that all the parties who had been evicted for non-payment of rent would be reinstated, and that those in arrears would, by some legerdemain of the Chief Secretary, get rid of their arrears, and that there would be a general state of what was called the millenium. But it was held to be desirable that in certain districts a proportion of the population should be transported to an inhospitable clime; and, if that was so, the only excuse for such deportation would be that every beneficial provision of the Bill would not have time to come into effect, and for that reason it was desirable that a certain small number of the people should be induced to emigrate. He thought it was desirable that that system should come to an end as speedily as possible, and for that reason he proposed that the operation of the clause should cease at the 31st of December, 1881.

MR. DAWSON said, he was about to say that the Prime Minister, by the concessions he had made, and which he had promised to bring in in express form before the discussion was over, had really taken away any ground there might be for the necessity for the clause. What they contended was, that if in Ireland some inducement could be offered for putting the waste lands in Ireland in the hands of the people, as in Canada

*Mr. Biggar*

and in Australia, the present difficulty could be got over. He was not so sentimental as to think that the Irish people should be kept in Ireland, or even that the English people who left their country should be kept in England, if its resources were fully developed and exhausted. But it was clearly proved to demonstration that there was a lot of land in Ireland which was perfectly capable of supporting the Irish people. The Prime Minister had, with great wisdom, and with great congeniality of manner, really conceded that question when he said that he would allow the tenants to become the reclaimers of land. He had even shown that he would allow the Companies and the branch societies to employ labourers, and would extend the provisions of the Act so as to open up the reclamation of the land. He thought that that took away the urgent necessity for expatriating the Irish people. They had heard a great deal about the expropriation of Irish landlords. Well, he did not like the expropriation of Irish landlords or anyone else; but the Bill proposed the expropriation of the Irish people *en masse* when it was entirely unnecessary. If they had not exhausted the resources of the country, let them proceed to develop them, and not send the labourers as forced exiles out of a country which offered them comfort and happiness at home. Now, the Prime Minister had spoken of the financial conscience of the Empire. Well, if Canada was able to offer waste land at £1 a head, and make 40s. freeholders, why should not Ireland first make such offers before the Irish had to leave their native country. The Prime Minister had almost answered that question when he said that if Canada and the other Colonies could offer such terms and give such inducements, why could not this country, with the greatest credit at its command, do so also? The Government had to advance money for labour, and what was wanted was labour. But the labour was in Ireland. Let them supply the labour to the soil, and they would electrify all that mass which was at present unable to give life to the people. Mr. John Stuart Mill had said that the reclamation of waste lands was a proper thing, and not only a proper thing, but a proper course for the Parliament of Great Britain to pursue in Ireland. A very great English

statesman was once sent to Ireland, and he was reported to have made use of a sentence with which his name was inseparably connected. He said that when the people of a country left that country *en masse*, it showed that the Government of that country had a judgment on them. But when a Government forced the people to leave the country *en masse*, they not only stood condemned, but disgraced in the eyes of those who saw that it was possible to keep them there. He wanted to know why it was that the Government should force the people away? 'They were told that they were putting their hands in the taxpayers' pockets; but they did not want to do that. They did not want to strain the financial conscience of the nation. Unfortunately, so lamentable was the legislation for Ireland, that everything the Irish people did not want was forced upon them, and everything they required was refused them. He hoped that the Government would follow up the concessions that had been made by opening up the land of Ireland, when, instead of receiving a judgment of condemnation, they would earn the respect and gratitude of the people who would live in their own country so long as it was able to support them.

MR. W. E. FORSTER: I am not going to allude to this question, except so far as to say that the supposition that the Government intend to force emigration is absolutely contrary to the feelings and object of the Government, and that there is no such kind of meaning which by any interpretation can be attributed to the clause. But I must call the attention of the Committee for a moment to the Amendment before us. I understand that the hon. Member for Cavan has seriously moved it? [Mr. BIGGAR: Yes.] The hon. Member proposes that the clause shall be so amended that the Land Commission shall only be allowed to take action till the end of the year. I cannot conceive any argument which could be used in favour of a limitation of the clause for only one year. The clause would be perfectly useless.

MR. LEAMY said, he would suggest to the hon. Member for Cavan that he might consent to placing a limit to the time during which the Commission might exercise the power, not of forcing emigration, but of promoting emigration, and that the limit should correspond

with the time when the Coercion Act should expire. The Chief Secretary seemed to have two most effective remedies for repressing discontent in Ireland, which were exile and imprisonment; and he would suggest that they should both come to a conclusion together. The clause had been introduced into the Bill for the purpose of coming to the aid of those landlords who existed by putting their tenants into arrears. He did not intend to discuss the clause; but he believed that if it were passed they would find the unfortunate tenants in the West of Ireland in arrears because they could not pay their rent, and they would have but two alternatives—the poor house on the one hand, and the emigration agent on the other. It was all very well to say that was not a forced emigration; but if they had the power of the law driving out the tenants who could not pay their rents owing to the bad harvests, and throwing them out into the road-side, and then the emigration agent coming and tempting them to cross the Atlantic as the only resource, what was that but a forced emigration? They were of opinion that too many of their people had gone across the seas already. They looked with the utmost confidence, knowing the struggle their country had made, and the splendid resistance she had made to the attempts made from time to time to crush out her national life, to their people coming back from America, and not to see them going away in thousands.

MR. O'DONNELL said, he was amused to hear the solemn assurance of the Chief Secretary that that clause and the proposal for emigration were by no means to be understood to imply that the Government intended to force the people to emigrate. Those solemn assurances of the Government sounded extremely well. They had had a large number of them. Of course, he was not going to suggest that their veracity was to be impugned; but, notwithstanding, looking to the fact that the Premier and the Chief Secretary for Ireland were in such marked ways the pre-destined victims of an inexplicable fatality, he thought that the Members for Ireland would do well to be on their guard against the solemn assurances of such unfortunate personages. For these reasons and others he should much prefer not to intrust the Government with the power of facilitat-

ing emigration from Ireland, for something or other was sure to happen to upset all the solemn assurances, and to defeat all the expectations which the solemn assurances might have awakened in the guileless bosoms of the Irish Members who sat on the other side of the House.

MR. BIGGAR said, that he was serious with regard to that particular Amendment, because he thought that the whole principle was thoroughly mischievous. The right hon. Gentleman the Chief Secretary had treated them to another short speech, in which he said that he did not wish to urge the Irish people to emigrate. If that were so, why did the Government urge the proposal at all? Why did they not give the Committee some reason for the proposal? Seeing, however, that no reason had been urged in favour of the proposal, he thought they were thoroughly justified in asking that the time during which the transportation of the Irish surplus population was to take place should be as much curtailed as possible.

MR. RITCHIE said, that the hon. Member for Cavan had taunted the Government with having given no reason for their proposal. Now, Members sitting on that side of the House had not troubled the Committee in that discussion, because he believed that, in the main, they desired not to hamper or hinder the progress of the Bill by taking part in a discussion which was mainly got up for the purpose of obstruction. But he desired to say that he considered the Government had very good reason for the introduction of such a proposition. It was not a question of the Government forcing the people of Ireland to emigrate at all. It was not even a question of inducing them to do so. It was a question of offering facilities to those who desired to emigrate to do that which they wished to do, and Members from Ireland in opposing that were opposing what the people of Ireland themselves desired. Now, the hon. Member for Cavan asked for reasons why the Government proposed that clause. He had the honour of hearing the evidence given before the Richmond Commission, and a gentleman gave evidence before that Commission whose name, he thought, was deserving of the confidence even of hon. Members below the Gangway—he meant Professor Baldwin.

*Mr. W. E. Forster*

tenantry, with whom he had con-  
in the West of Ireland, were en-  
n favour of emigration; and he  
ly stated that he believed that if  
e were given the great majority  
e poor and wretched people living  
West of Ireland would gladly em-  
ny project by which they might be  
l to emigrate. That was the reason  
e Government had introduced  
ause. In his opinion the Bill  
fail of the object it desired to  
f there were not some such clause  
t. It was quite idle to suppose  
ny alteration of the relations be-  
landlord and tenant in Ireland  
for one moment, meet the misery  
retchedness which existed in a  
rable portion of Ireland. It was  
impossible, if they were to give  
ople their land for nothing, that  
ould exist in comfort and decency,  
therefore it was that the Govern-  
ad put into the Bill some provi-  
y which those who desired to  
te, and those only, should be af-  
facilities for doing so. How hon.  
ers from Ireland, who said that  
ad the interests of the tenantry at  
could object to that clause, which  
merciful clause, passed his com-  
ission to understand if they were  
in what they said. For his own  
having taken a great and deep  
st in that question, he believed  
was no part of the Bill which was  
to do more good than that clause,  
did not repeal emigration which

had himself spoken to many tenants in  
most parts of Ireland, and he had always  
found their attachment to their native  
soil so great that they would wish to  
remain upon it as long as it afforded  
them something to eat—with that they  
would be content. The right hon. Gen-  
tleman had asked the Committee to  
postpone the clause until the end of the  
Bill. That was a proposal made by the  
right hon. Gentleman on the previous  
evening, when he was told that the Bill,  
and particularly this special portion of  
it, would be fought out to the end. The  
Irish Members felt deeply and warmly  
on this matter of emigration, and they  
were not prepared to accept the maxims  
ascribed to various statesmen who had  
spoken and written on the subject. The  
same principle was adopted in the year  
1847; but no one could say that it suc-  
ceeded then, or was likely to succeed if  
adopted in the present crisis. The hon.  
Member for Finsbury (Mr. W. M. Torrens)  
had spoken at large about the great ad-  
vantages which were offered by Canada to  
intending emigrants, and perhaps what  
the hon. Member had said was perfectly  
true; but if it was so, he would like to  
ask the hon. Member why he did not  
himself go there? As far as he knew  
of the people of Ireland, he was certain  
that there was a large contented class  
wishing to remain in the country of  
their birth, and the emigration proposals  
of the Government could only have  
effect with the discontented sections of  
Irish society whose presence in an ab-



in favour of migration as against emigration, in view of the fact that in Ireland there were thousands of acres of reclaimable land. He must say that his views on this subject were so strong, and as he believed, so strongly based in reason, that he should avail himself of all the Forms of the House in order strenuously to oppose the clause.

MR. CHAPLIN said, he thought the hon. Gentleman the Member for the City of Waterford (Mr. R. Power) had done less than justice to the hon. Member for the Tower Hamlets (Mr. Ritchie), whose statement, in the course of his speech, was to the effect not only that the Irish people desired a system of emigration, but that such suggestion was backed up by the evidence of Professor Baldwin. In proof of his statement, the hon. Member said he had in his possession, as had also every hon. Member of the House, a copy of Professor Baldwin's evidence given before the Commission, in the course of which he stated that half the people would prefer emigration to migration, as was shown by the fact that of 260 tenants to whom he had put the question, not less than 164 were in favour of emigration. He was perfectly prepared to admit that the present might not, perhaps, be the best occasion to introduce this matter; but he could not allow it to be passed without expressing his opinion on the subject, and stating that when the question was properly before the Committee, he should be prepared to make a proposal, which, if it was adopted, would carry out the views which he held, and which were held by a considerable section of the House, in regard to what he might describe as the emigration proposals contained in the Bill. His hon. Friend the Member for Waterford had stated that it was his intention to oppose the clause to the bitter end; and as he and his friends who held the same views had been largely influenced by the presence of the clause in the Bill, they would hold themselves free to take whatever course they might think necessary in the event of the clause being dropped.

MR. PARNELL said, the hon. Gentleman who had just sat down and the hon. Member for the Tower Hamlets had based their arguments upon statements made in evidence by Professor Baldwin; but they had only relied on isolated passages.

*Mr. R. Power*

MR. CHAPLIN said, he had only quoted isolated passages in Professor Baldwin's evidence, because at this particular juncture he was only dealing with the question of migration as against emigration.

MR. PARNELL said, the hon. Member had culled out from the evidence of Professor Baldwin isolated passages which did not give a correct idea of his evidence taken as a whole. It was evident, from the statements which the learned Professor had made, that he was in favour of migration as against emigration; and that, in his view, there was in the county of Mayo an abundance of cultivable land for the use of the surplus population—an observation which might also be applied to the counties of Donegal and Kerry. In answer to other questions which were put to him in reference to emigration and migration, Professor Baldwin said he should not like to see a single able-bodied man leave the country as long as there was in it land which could be improved. It was perfectly true that Professor Baldwin said further that he was in favour of offering the people the alternative of emigration, many of them being in favour of such a course; but no one considering this question ought to forget the fact that the opinion expressed by Professor Baldwin was contained in evidence which he gave as far back as the 4th of March, 1880, when there was no prospect of a measure being introduced for the purpose of giving the very poor in Ireland an alternative between starvation, the workhouse, and emigration. He could not but regret that Her Majesty's Government had thought fit to introduce what he might describe as an Emigration Clause instead of proposing something which would enable the waste lands of Ireland to be reclaimed and brought into cultivation, and so preventing a moiety of the starving and despairing population of the country from taking the earliest opportunity that offered of leaving their native land and emigrating to, perhaps, the other side of the world. If this was done the congestion which now existed in many parts of the country would be got rid of. He asked the Committee why they wasted their own time, and that of the country, in discussing a proposal which would stand no chance of acceptance by the Representatives of English working men and ought not,

because of its inherent injustice, to be forced upon the Irish people?

MR. STOREY said, he became a Member of the House with no engagements to his constituents in reference to the Land Bill; but, as representing a large working-class constituency, he wished that the scope of the measure might be so enlarged as that it should afford a complete remedy for the prevalent distress in Ireland. Therefore, he had possibly been more often than any other Member on that side of the House in opposition to Her Majesty's Government; but he should be the last to oppose them in any proposal to enlarge the scope of the Bill. He wished to ask whom it was proposed to assist in emigrating? Did the Government mean this clause to be used in assisting the better class of Irish tenants in emigrating—tenants, he meant, who were farming holdings ranging between 50 and 300 acres? If that were so, he could only say that there was no necessity for any such assistance, inasmuch as the farmers of such holdings had means enough and wit enough to take the step for themselves if they thought it to their interest. It was the poorest and most miserable class of tenants—those in Mayo, Galway, and other districts in the West of Ireland—whom it was intended to deal with; and, that being so, he was not surprised to find the hon. Member for the Tower Hamlets (Mr. Ritchie) supporting the proposal. What was the position of these tenants under the Bill? It was said that the Bill would confer upon them the right to sell their tenancies; but he would ask what man would be found to buy a tenancy in the present circumstances in the poorer districts in the West of Ireland? If they could not sell, what else could they do? The right hon. Gentleman the Chief Secretary to the Lord Lieutenant had been the mouth-piece of the Government in the unpopular cause of coercion; and it was therefore, perhaps, fitting that he should again be the mouth-piece of his Colleagues when they were offering a bribe to the tenants. He proposed that they should be released of a year's rent, but only on condition that they paid one year's rent down—a thing most of them could not do.

THE CHAIRMAN ruled that the remarks of the hon. Member were wide of the subject immediately before the Committee.

MR. STOREY said, all he wished to do was to prove that the Emigration Clause of the Government was a bad one, as it stood, in that it would drive out of Ireland a large class of men whom it was the interest of the country to retain, and who, not being able to sell or to compound for their rent, were to be expatriated under that Emigration Clause. The hon. Member for the Tower Hamlets was astonished that Members from Ireland should not be willing to assist emigration from their country; but he (Mr. Storey) held it to be patriotic to endeavour to keep the men in the country. Who would be the men to leave our shores? Who were those that went from his own county of Durham? Were they the weak and the useless, and those they would wish to get rid of? No, they were the bone and marrow of the country; and were hon. Members to be twitted with being void of patriotism if they sought to keep these men in the country? He held it to be the true policy to endeavour to retain them, and therefore it was he joined with Irish Members in objecting to the Government proposal contained in the clause. He thought it very possible that later on in the discussion he might have some further remarks to make on the proposal of the Government; but, at any rate, as one English Member—and he was quite prepared to believe there were more, that there were a great number who would do wisely to open their mouths instead of sitting still—but be that as it might, though he stood alone, he should declare his deliberate conviction that the Government would do wisely to drop this Emigration Clause. The hon. Member for Cork City (Mr. Parnell) truly said the condition of things in Ireland would be greatly altered by the Bill; and under these new conditions they should seek to keep the Irish people at home, with the means of livelihood in their own country. As an Englishman he did not want to see them passing over to America, with bitterness and anger in their hearts. Let the Irish working man be fixed on the Irish soil, and if there must be emigration, let it not be that of the industrious classes, but of those smug self-satisfied Gentlemen whose only remedy for the evils of the country seemed to be to sweep from the shores of Ireland the cream of the Irish work-people.

MR. W. E. FORSTER welcomed the addition that the hon. Member for Sun-

[*Twenty-fifth Night.*]

derland had clearly shown to the debating power of the House, though he could not fully agree with his remarks. He (Mr. W. E. Forster) must endeavour to abide by the Chairman's decision and not debate the clause; but he must remove some misconceptions that existed as to the policy of the Government as contained in the clause. It did considerably and beneficially enlarge the scope of the Bill. One advantage there had been in this discussion in that it had called from Irish Members below the Gangway expressions of confidence in the general results of this measure. These expressions of hope and confidence it had given him great pleasure to hear, and they were rather stronger than he had heard at earlier stages of these discussions. The hon. Member for Cork City began by describing the condition of the poor cottier tenants in America, and he ended by saying let all that could take advantage of the Bill and remain in Ireland, and let them have no emigration. Now, in a few words he might be allowed to say why the clause was brought in. The Government had the condition of Irish tenants, and especially of Irish cottier tenants, before them; it had been occupying all their attention, and they had succeeded in getting the House to give the whole of the Session to the consideration of the subject. ["No, no!"] Well, at any rate, the last two or three months. The Government believed it was necessary to make great changes in the relations of landlord and tenant; but it was true, and it had been stated over and over again even by the hon. Member for Cork City and those opposed to this clause, that a mere change in the relations between landlord and tenant would not meet the condition of the cottier tenants. Well, that being generally acknowledged, the Government brought other plans before the House. There was the proposal for reclamation, as to which he would say he did not believe with some that it would be waste paper, but, on the contrary, that it would be put in force with great effect; and there was also offered that alternative which Professor Baldwin had suggested—the alternative of emigration. The Government entirely disavowed every kind of intention to force the people to emigrate; and he could not conceive that anybody who read the clause could suppose they did. He really

did not know the use of language by the framers of the Act in expressing their views and intentions if, with the words before them, hon. Members could believe it was the intention to force tenants to emigrate or to do anything more than enable Government assistance to be given to those who wished to emigrate. He would not enter into the particular provision by which it was hoped that object would be attained, but would address himself to the remarks which had been made, and to removing some of the misconceptions that had arisen, and he was prepared to make two or three verbal Amendments, which would show that some of the remarks were unfounded. The word "promoting" had been objected to as too strong a word, and he would propose to substitute the word "assist." It was a little different; and, at any rate, it was not open to the charge that had been made against the use of "promoting," as in some way urging and compelling, and "assist" could not have that meaning. One of the great objects was to regulate emigration. There was less emigration this year than last, and he was very glad that that should be so, for he accepted it as a proof that there was less distress to cause emigration; but, as he had said, a great object was to have emigration better regulated. It was a great merit among the younger members of a family that they were willing to take on themselves the burden of supporting their parents where they were able to do so, and they would more often emigrate if they could take members of their family with them. Therefore, the Government wished to assist, as far as possible, the emigration of families. To give such facilities he proposed to submit an Amendment to the 24th line, after the word "commission," to add—

"And such regulations as may be provided relative to the mode of the application of the loan, and of repayments for shipment, transport, and reception of emigrants."

Giving this public notice of what the Government intended, he hoped now the Committee might go to a division on the Amendment of the hon. Member for Cavan. He was sorry to anticipate by thus stating the Government intentions; but he thought he might appeal with confidence to all impartial persons when he said this clause was proposed by the Government as one of many reme-

*Mr. W. E. Forster*

dies—a very important one, though not the most important—for the great miseries that exist in the crowded districts in Ireland.

MR. CALLAN asked, was it intended that the clause should be confined to Canada and British Possessions only?

MR. W. E. FORSTER said, he intended to state that he would move to omit the words "Dominion of Canada, or of any province thereof," and make it applicable to any British Colony or Dependency. It was a mistake to suppose that emigration would be limited to a British Colony; but it would be hardly possible to enter into agreements with foreign Governments in regard to it; but the other words "or on behalf of any public company" would leave it open, supposing the arrangements were of a proper character, to conduct emigration to the United States or elsewhere.

MR. T. D. SULLIVAN said, whether Canada was left in the clause or not, the effect would be that the emigration under the clause would be to that country and nowhere else, and for this reason—other British Colonies were too far away, and the cost of removal would be too great; so it was to Canada that the people would inevitably be emigrated. Now, he was very grateful, and so, he was sure, were the Irish people, to the Dominion of Canada for the generous kindness exhibited during the recent Famine; but they must remember that when the Irish people chose to emigrate of their own motion and by their own resources, it was not to Canada they went; but, under the operation of this clause, to Canada they would be sent, whether the word "Canada" was in or out of the clause.

MR. HEALY felt sure it would not be unreasonable to report Progress at a quarter past 1, considering that the Committee would resume again at 12 o'clock, and that they had been engaged since 2 in the afternoon. He begged to move that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Healy.*)

MR. W. E. FORSTER said, he really thought that the question raised on the Amendment of the hon. Member for

Cavan had been sufficiently discussed to allow of a decision being taken. That being decided, he would not ask the Committee to proceed further.

MR. HEALY, on that understanding, begged leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

Amendment (*Mr. Biggar*) *negatived*.

Committee report Progress; to sit again *To-morrow*.

#### PUBLIC WORKS LOANS [ADVANCES, REMISSIONS, AND AMENDMENT OF ACTS].

Resolutions [July 11] *reported, and agreed to*:—Bill *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. DODSON, and LORD FREDERICK CAVENTISH.

Bill *presented*, and read the first time. [Bill 211.]

#### PUBLIC WORKS (IRELAND) [REMISSION OF LOANS].

Resolution [July 11] *reported, and agreed to*:—Bill *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and LORD FREDERICK CAVENTISH.

Bill *presented*, and read the first time. [Bill 212.]

### MOTION.

#### POOR RELIEF AND AUDIT OF ACCOUNTS (SCOTLAND) BILL.—[BILL 182.]

(*The Lord Advocate, Mr. Solicitor General for Scotland.*)

#### NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed,

"That the Select Committee on the Poor Relief and Audit of Accounts (Scotland) Bill, do consist of Nineteen Members."—(*The Lord Advocate.*)

COLONEL ALEXANDER said, he was surprised at the course Her Majesty's Government had taken with respect to this Bill. A short time ago a meeting of Scotch Members was held upstairs, at which he was not able to be present on account of a debate in the House; but he had taken occasion to inform himself of what took place, and he understood that an agreement was arrived at that one of the Scotch Bills before Parliament should be proceeded with this Session—the Educational Endowments Bill. He was surprised, therefore, to find that the Bill now under notice had been read a second time at a late hour a few nights before, and was now to be

sent to a Select Committee. He would also beg to remind the right hon. and learned Gentleman that on the 28th of June the Prime Minister reminded the House that the 28th of June this Session was equal to the 28th of July of an ordinary Session, and that, therefore, the House had arrived at what was practically the 12th of August, and not July; and he believed it was quite unprecedented that a Bill of this importance should, on such a date, be sent to a Select Committee, nor did he understand why it should be sent to a Select Committee at all. Why not discuss it in Committee of the Whole House, like other Bills? There was nothing mysterious about the Bill, and treating it in this manner would encourage the idea that there was that about Scotch Bills that could not be understood, and English Members never would understand them so long as they were sent to Committees upstairs. Why, he wished to know, had the Bill been proceeded with? And to give the Government the opportunity of informing the House, he begged to move the adjournment of the debate.

Motion made, and Question proposed,  
 "That the Debate be now adjourned."—  
*(Colonel Alexander.)*

SIR WILLIAM HARCOURT said, really, the vehement speech of the hon. and gallant Gentleman was entirely in consequence of his not having been at the meeting referred to; if he had been, he would have known that exactly the opposite of what he had stated took place.

COLONEL ALEXANDER: I was at a debate in the House.

SIR WILLIAM HARCOURT said, he was there, and in a position to state what did take place, for he happened to occupy the Chair. The course which the Lord Advocate had taken was that recommended unanimously, he believed, by the Members present at the meeting. There was no such understanding as that stated by the hon. and gallant Member, that only one Bill should be proceeded with; but, on the contrary, there was a strong opinion that two Bills should be proceeded with, and the question of this Bill was fully brought under consideration, and the suggestion of many Members who were present was unanimously adopted, that the Bill

should be sent to a Committee upstairs. And yet the hon. and gallant Gentleman came now and denounced the Government for taking a course which was recommended by a majority certainly, and, he believed, unanimously, of the Scotch Members then present. There were complaints that Scotch Business was not attended to; but the very moment an attempt was made to forward a Scotch Bill a single stage, a Scotch Member rose and denounced the Government for the attempt, and did his best to obstruct the progress of the Bill—and this was being done now. This was an administrative Bill of much utility; no one ever pretended that the Government desired to press it, they desired that the Bill should be thoroughly examined. The hon. and gallant Member said that Scotch Business would never be understood, because it was sent to a Select Committee; but surely English Bills were always sent to a Select Committee when those Bills contained matters of detail requiring careful and minute consideration. It was no great encouragement to forward Scotch Business if, when the Government were making an effort of this kind on the unanimous understanding with Scotch Members, up starts the hon. and gallant Gentleman and did his best to thwart and defeat the course taken on advice from Scotch Members.

MR. ORR-EWING said, he must say his impression of what occurred was not the same as that of the right hon. Gentleman. He was sure that Scotch Members were delighted to have the right hon. Gentleman in the Chair, and they almost felt it did away with the desire to have a Scotch Minister of State. Probably there was only one Member who was not quite satisfied with the position there, and that was the Lord Advocate himself, for hitherto he, holding a high and honourable position, ruled supreme; but he must have felt a little overshadowed by the Home Secretary. But, at the meeting, the conclusion was this—it was a sort of dictatorial conclusion, no vote was taken, and few Members spoke—but the right hon. Gentleman, with that prescience for which he was so conspicuous, seemed to conceive the opinions of every person present—he summed up in this way, at all events, the measure that ought to be proceeded with was the Educational Endowments Bill. He said, in his me-

*Colonel Alexander*

taphorical language, that was the horse that was to win; he did not know whether a second horse might be placed at all; but he understood that if there was to be a second measure it was the Teinds Bill. Such was his impression of what took place, and all he could say was that the Bill for which the Committee was now proposed was ignored by the right hon. Gentleman as an impossible thing; and as to a Committee being proposed or suggested by himself or the Lord Advocate it never was at that meeting.

SIR WILLIAM HARCOURT, rising to explain, said, it was generally understood by the Scotch Members that the Bill could not be got through this Session; but it was pressed upon him that, if sent to a Select Committee, the subject might be investigated with the view of taking it up next Session.

MR. ORR-EWING said, he would not bring his opinion against the right hon. Gentleman's recollection. No doubt, his intellect was much the keener; but, at all events, the impression on the minds of the bulk of the Members present was that it was an impossible thing, and it never suggested itself to his mind. But it was an extraordinary thing, for, if there was any measure that had general support from Scotch Members after the Educational Endowments Bill, it was the Teinds Bill. It was introduced by the Government, and read a second time, only one Scotch Member opposing it; there was no block in the way, but only Amendments, and why it had not been proceeded with he would like the Lord Advocate to explain. Every party in Scotland supported it; it had been petitioned for by many boroughs in Scotland, the only opposition being ecclesiastical, and the only Scotch Member offering opposition being the hon. Member for Kilmarnock (Mr. Dick-Peddie); and yet it was said it was impossible to carry the Bill through. If there was a Committee of Scotch Members, and a Secretary of State honoured them by presiding, he ought to take a deliberate vote and not gather opinions from hearsay, and then bring up such measures as were really supported by Scotch Members, and not such as would be advantageous to a particular Party.

MR. HEALY asked the Lord Advocate—for he had received several letters from Scotland, and he really did not

know anything about it—was it a fact that the Government did not intend to proceed beyond the Committee this year?

COLONEL ALEXANDER said, he would ask leave to withdraw his Motion, and he would take the opportunity to disavow any intention of obstructing Scotch Business. He agreed with the hon. Member (Mr. Orr-Ewing) that the feeling in Scotland was very much against the Government for having withdrawn the Teinds Bill. A large meeting, held in Edinburgh last winter, gave expression to a desire for legislation—

MR. SPEAKER: The hon. Member is not entitled to make a second speech in asking leave to withdraw his Motion.

COLONEL ALEXANDER said, he would only express his great disappointment that the Bill had been withdrawn. He begged leave to withdraw his Motion.

THE LORD ADVOCATE (Mr. J. M'LAREN) said, it was quite true that the Government did not expect to pass the measure during the present Session. So far back as 1871, a Committee of the House was appointed, who received a large quantity of evidence on the subject, and almost unanimously recommended the changes in the Poor Law of Scotland which were embodied in the Bill. Bills founded on the Report of the Committee had been introduced in successive years during the interval of 10 years, which had since elapsed, but no progress had been made, because it was impossible for the House, within a limited time, to discuss the various details of such a measure in Committee of the Whole House. Accordingly, at a meeting of Scotch Members which took place at an early period of the Session with reference to this and other forms of local government, a strong desire was expressed that the measure should be re-introduced with the view of its being considered by a Committee upstairs; and he must express his surprise that the hon. Member for Dumbarton (Mr. Orr-Ewing) had taken up the position he had in throwing doubt on the propriety of the course adopted, for he well remembered that at this meeting it was his suggestion that before and beyond all other reforms connected with Scotch local government the Bill for the amendment of the Poor Law ought to

be introduced. He would only say, in respect to the meeting referred to by the Home Secretary, that his recollection of what took place was substantially in accord with that of his right hon. Friend. It must be quite plain that it would be impossible to expect that during the Session the Bill would be considered in Committee of the Whole House; but, looking at the fate of former Bills on the same subject, he ventured to indulge the hope that by referring it to a Committee upstairs it would be so improved and perfected as to admit of its introduction in a subsequent Session and its passage without serious opposition. As to the Teinds Bill, that was no longer before the House, it having been withdrawn last week. That it was withdrawn was due to circumstances for which he was not responsible. It was his earnest desire, if possible, to proceed with it; but at the meeting to which reference had been made, an hon. Member intimated that he was prepared to use all the Forms of the House at every stage when the Bill was before the House to prevent its passing. Now, he would appeal to hon. Members whether, under the circumstances, and knowing as he did that there was other opposition, without which that which he had mentioned would not have been sufficient—that there was a considerable body of opposition—would it have been right to keep the Bill on the Paper, when it was absolutely certain, looking at the many more important engagements of the Government, that the Bill could not be sent up to the other House in time to pass this Session?

MR. ORR-EWING said, he was not opposed to the improvement of Poor Law management in Scotland, and he did think it was more likely to be legislated upon this year than the Educational Endowments Bill. But that was not the decision of the Committee of Scotch Members they had heard of, and he understood that the Home Secretary was to be guided by that. He was not opposed to the Committee, late as it was; but he understood it was the intention not only to pass the Bill through Committee, but, if possible, to make it law this year; hence his opposition.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

*The Lord Advocate*

Committee nominated, of Mr. ANDERSON, MR. ANDREW GRANT, Mr. J. HAMILTON, Mr. M'LAGAN, Mr. HENDERSON, Mr. BOLTON, Mr. MATHESON, Mr. MELDON, Mr. HIBBERT, Mr. ORR EWING, Mr. COCHRAN-PATRICK, Mr. DALRYMPLE, Mr. JAMES CAMPBELL, Admiral Sir JOHN HAY, Mr. LODER, Colonel ALLEN, Mr. HEALY, Lord ELCHO, and The Lord ADVOCATE:—Five to be the quorum.

House adjourned at a quarter before Two o'clock.

## HOUSE OF COMMONS,

Wednesday, 13th July, 1881.

MINUTES.]—PUBLIC BILLS—Committee—Land Law (Ireland) [135]—R.P.  
Committee—Report—Reformatory Institutions (Ireland) (re-comm.) \* [190].  
*Withdrawn*—Public Houses (Closing on Sundays) \* [64]; Roads Provisional Order (Edinburgh) \* [185].

## ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [TWENTY-SIXTH NIGHT.]

[Progress 12th July.]

Bill considered in Committee.

(In the Committee.)

## PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND, AND EMIGRATION.

*Reclamation of Land and Emigration.*

Clause 26 (Emigration).

MR. BIGGAR said, the Committee were in rather a peculiar position at the present moment with regard to the Amendments which stood on the Paper. In the first place, the printed sheet containing the Amendments had not yet reached the Vote Office, and he knew how inconvenient it was for Members of the Committee to discuss Amendment when they had not a copy of them before them. In addition, the Committee were in this awkward position, that there was

no Minister of the Crown present to listen to the arguments which they wished to adduce; and, under those circumstances, he would move that the Chairman report Progress, and ask leave to sit again.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Biggar.*)

MR. HEALY said, it was an extraordinary thing that the Government should bring Members down at that hour of the day, and that not one of the Members of the Government should turn up himself. They had kept hon. Members there until 2 o'clock in the morning, and had insisted on their being there again at 12 o'clock in the day. Yet when they came down they found that they could not get a copy of the Amendments at the Vote Office, and when they entered the House they found that there was not a single Member of the Government in his place. He was certainly not surprised that, under these circumstances, his hon. Friend the Member for Cavan (*Mr. Biggar*) had moved to report Progress, and he trusted his hon. Friend would divide the Committee.

MR. LITTON said, he hoped that the hon. Member for Cavan (*Mr. Biggar*) was not serious in asking the Committee to report Progress. No doubt, it was an unfortunate circumstance that the Amendments placed on the Paper had not reached the Vote Office; but they appeared with the Amendments issued to hon. Members that morning at their private residences, along with the other Parliamentary Papers, and he presumed that they were easily obtainable. He also regretted that Her Majesty's Government, or, at any rate, some of them, were not present; but, at the same time, it would be exceedingly inconvenient for the Committee to report Progress, and that the whole day should be lost at a time when it was of the utmost importance that they should make progress with the measure from day to day.

MR. MACDONALD rose to Order. At the same time, he was afraid he might be out of Order in rising; but the question which he wished to put to the Chairman was this, as there were no Amendments obtainable at the Vote

Office, how could they discuss the Bill in the absence of the Amendments?

THE CHAIRMAN: That is not a question of Order. The Amendments were delivered this morning with the blue paper Votes. The only thing that has not yet arrived is a copy of the Amendments on white paper. I myself received the blue paper Votes this morning, together with other hon. Members, and the simple difficulty is that the white paper Amendments have not yet reached the Vote Office.

MR. LITTON said he could not understand the great anxiety which hon. Members evinced in rising upon points of Order, which, so far from being in Order, were themselves most disorderly. The complaint made was that the Amendments were not on the Paper. The hon. Member for Cavan (*Mr. Biggar*) must be aware that it was not necessary to have an Amendment on the Paper in order that he might be able to move it. An hon. Member having an Amendment on the Paper which had not yet reached the Vote Office was still competent to move it.

MR. LEAMY thought the Motion to report Progress was very reasonable upon this ground—if an hon. Member moved an Amendment there was not a single person responsible for the Government to say whether they would accept it or not. The Irish Members were treated very unfairly. They had been kept there until 2 o'clock in the morning, and if they moved at any time to report Progress they were accused of impeding the progress of the Bill. He was very much astonished to find that right hon. Gentlemen opposite took so little interest in the Bill that they declined to come down to support it.

MR. GLADSTONE (who had just entered the House): If the hon. Gentleman thinks it consistent with his dignity and with decency to hold such language about the small amount of interest which the Government take in the Bill I can only express my surprise. It is quite open to the hon. Gentleman to repeat that language as often as he pleases; but I trust that that will not be the feeling of his Irish fellow-countrymen, and I hope that no further time will be lost in proceeding with the measure.

THE CHAIRMAN: We are now upon the question of reporting Progress.

[*Twenty-sixth Night.*]



Mr. GLADSTONE: Whether the Government have no interest in the Bill or not they are now present, and I hope the Motion will be withdrawn.

THE CHAIRMAN: I may mention for the convenience of hon. Members that the white paper copy of the Votes has now arrived, and may be had in the Vote Office.

Mr. HEALY said, the reason for reporting Progress was not because Ministers were absent, but because the Committee could not get a single Amendment, and as a protest against the way in which they were treated in being brought down at that time of the day when the Government were not ready to go on with the Bill. He hoped that his hon. Friend the Member for Cavan (Mr. Biggar) would take a division upon the question. If the Government threw too much work upon the printing department that was not the fault of the Irish Members. He certainly did not see how they were to go on with the discussion of the Bill unless they knew what the Amendments were. What, therefore, was the good of bringing them down at 12 o'clock in the day?

Mr. MACDONALD thought that the hon. Member for Cavan (Mr. Biggar) would be exceedingly ill-advised if he pressed his Motion to a division. He hoped that the Motion to report Progress would be withdrawn, and that the Committee would be allowed to proceed with the Bill.

Mr. DAWSON said, he really thought there was something due to the heavy pressure which had been put upon all Departments of the House, and he had some sympathy with the officials who were now under so heavy a strain. If hon. Members were kept there last night until 2 o'clock this morning, so were also the printing officials, and he did not think that the Irish Members should be too hard upon the officials. They might blow up Her Majesty's Government as much as they liked. They were able to hear it; but they should not convey a Vote of Censure upon the officials. In all probability, better punctuality would be observed in future on all sides.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) stated that 30 or 40 Amendments were given Notice of late last night, which were sent off at once to the printers.

Mr. M'COAN said, he would join in the appeal to the hon. Member for Cavan (Mr. Biggar) to withdraw his Motion. At first there was some slight colour for the Motion in the accident of the Papers not being there; but he thought it was more apparent than real, because, in common with other hon. Members, he received a copy of the Amendments; and the accident of the absence of the leading Members of the Government for a few moments had resulted in no practical inconvenience.

Mr. BIGGAR said, he was disposed to take the advice and act on the recommendation of his hon. Friends, and he would not press his Motion to a division. But he objected to the statement of his hon. and learned Friend the Member for the County of Wicklow (Mr. M'Coan), who assumed that he had only a slight show of reason for what he had done. Now, last night they were discussing this unfortunate clause until nearly 2 o'clock, and there was a squabble as to its adjournment with the right hon. Gentleman the Chief Secretary for Ireland. When they came down to the House prepared to continue the discussion that morning two things occurred. The first was that they could not get the Amendments, and every hon. Member knew how exceedingly inconvenient it was to discuss Amendments which were not on the Paper. It very often gave rise to complaint if an hon. Member did not happen to give Notice of an Amendment in due time. And then another thing occurred. They had Amendments on the Paper on a question in which the Government were certainly interested, and they were in their places the moment the House was made. But, although they were there ready to go on with the discussion of Amendments in which the conduct and capacity of the Government for certain purposes were called in question, there was no Minister in his place to defend himself. Now, it seemed to him perfectly preposterous that they could go on with the discussion of the Bill under those circumstances. Right hon. Gentlemen opposite had official duties to discharge, and they had charge of an important Bill; and, therefore, they ought to be in their places so as to conduct the Business. They had an illustration of how quickly Amendments moved by private Members were disposed of at the Sitting of the

House last night. As soon as the House met at 9 o'clock, an Amendment, which had already been discussed at considerable length, and which he, as well as other Members, wished to discuss still further, was at once put by the Chairman and disposed of. In point of fact, it was constantly the practice to rush through important Amendments if hon. Members who were interested in them did not happen to be in their places at the moment. He would not press the Motion for reporting Progress, but would ask leave to withdraw it.

Motion, by leave, *withdrawn*.

MR. BIGGAR said, the first Amendment which appeared on the Paper stood in his name, and its object was to omit certain words which appeared in the clause requiring the consent of the Treasury to an agreement entered into by the Land Commission with emigrants and contractors. He proposed, in lines 12 and 13, to omit from the word "with" to "Treasury" inclusive. He would shortly give his reasons for moving this Amendment. They were these. They all knew, as a matter of practice and of general observation, that it was very undesirable that responsibility should be divided. What was proposed to be done in this instance was this. The Land Commission was to have authority to do certain things subject to the control of the Treasury. Of course, they did not know at present who the Land Commission would be; but, at the same time, they would be gentlemen who lived in Ireland, and they would have more or less control over the merits of any particular scheme of emigration that was to be carried out, and they would be influenced, to a certain extent, by the popular opinion of the country in which they lived. They would, at least, read the Irish newspapers, and hear what was said by the leaders of public opinion in that country; and they would have an opportunity of hearing the arguments that could be advanced for or against any particular course of action. But, on the other hand, what was the Treasury? The Treasury was a body living in London, who did not read the Irish newspapers, and who knew nothing at all of what was passing in that country, and who got all their information about Irish affairs entirely at second hand, and must be guided by the whispers they received

more or less from irresponsible parties. They were also within easy reach, being in London, of scheming speculators and promoters of fraudulent schemes of emigration and land speculation; and they were open, therefore, to be interested adversely to the interests of the Irish people. Then, again, the Treasury was a body of a very fluctuating character. The Financial Secretary to the Treasury sat in that House, and he had very laborious duties to discharge; but he was put plainly in that troublesome and laborious position simply as a step to something of an easier nature, which, although it might be a position of more dignity, was certainly one of much less labour. The result was this—that the Secretary to the Treasury, who must know all the details of every matter that came before the Treasury, was very much in the hands of the permanent officials of his Office; and if it were not for the assistance that he obtained from these officials he would be unable to give an explanation of the details of the Estimates when they were brought before the House. Seeing that that was the case, there was an opportunity open for fraud and for advertising the schemes of fraudulent speculations. They knew that at the head of the Treasury was the Prime Minister; but they also knew that he had so many other matters in hand that it was perfectly impossible for him to inquire into these questions. They also knew, from the statement made to the Committee last night by the hon. Member for Exeter (Mr. Northcote), that Members of Parliament who had influential connections were hired by these fraudulent Companies as decoy ducks. [*Cries of "Order!"*] He did not mean that the hon. Member for Exeter was one, because he looked upon the hon. Member as an unsuspecting Gentleman, or the hon. Member would not have confessed openly in the House that he was the representative of these swindlers.

MR. GIBSON rose to Order. He wished to call attention to the fact that the hon. Member for Cavan (Mr. Biggar) was now asserting that the hon. Member for Exeter (Mr. Northcote) appeared there last night as the representative of swindlers.

THE CHAIRMAN: Unfortunately I was looking at the Paper at the time.

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and the words used by the hon. Member did not attract my attention. But if the hon. Member used the words imputed to him they are altogether out of Order.

MR. BIGGAR said, he had guarded himself by saying that the hon. Member for Exeter (Mr. Northcote) had proved by his speech that he was an unsuspecting Gentleman who would not wilfully do a dishonest thing; but the hon. Member added that he represented these land swindlers in Minnesota and Manitoba. Now he (Mr. Biggar) was prepared to state deliberately that the Companies in question were advertising themselves very excessively, and hon. Members knew that any scheme which came from the United States must be perfectly unsound, because there was plenty of scope there and plenty of able men in the United States thoroughly competent to carry on public Companies, and any scheme with regard to the division of land among persons who were able to cultivate it, without coming to England for assistance. It was not necessary, therefore, that they should come to London at all if they had a sound and honest case on which to base their prospectuses. What they did, however, was to come here, where they knew there were a great number of people who had a good deal more money than brains.

THE CHAIRMAN: I must point out to the hon. Member that I certainly do not see the relevancy of his remarks to the Amendment.

MR. BIGGAR said, he wished to show that the Treasury was likely to be imposed upon in regard to schemes embraced in a further part of the clause; and he wished to show, further, that whoever might be the proper body to be responsible for these loans and emigration schemes, the Treasury should have nothing whatever to do with them. They went entirely beyond the range of the duties of the Treasury, and it would be injudicious for them to mix themselves up with such schemes in any way. As he had stated, an hon. Member in that House very recently informed them that he represented a Company from Minnesota, and he (Mr. Biggar) wished to point out that a Company in Minnesota must be unsound, or it would not come to London. If it was a sound speculation, it would be carried on in Minnesota itself, where there was plenty

of opportunity for testing the bona fides of a Company. Again, a sound speculation carried on by sound men would be as successful in that country as here, and for these considerations he did not think it desirable that the Treasury should have anything to do with these emigration schemes. Then, again, they all knew that the Treasury was more or less a political body. They constantly saw absurd ideas propounded, such as were mentioned in *The Daily Telegraph* that morning; and a Minister who wanted to be popular would go in for a scheme, no matter whether it was unsound, no matter whether the body promoting it was responsible, if the fleeting influence of political partizanship were brought to bear upon him. He would give another illustration to show how unreliable the statements of Ministers were. The right hon. Gentleman the Chief Secretary for Ireland told them plainly last night that the greater part of the present Session had been spent in promoting this Land Bill. That would have been all very well if the right hon. Gentleman had told it to his constituents in Bradford, or to somebody who knew nothing about the facts; but to tell the House of Commons that the greater part of the Session had been spent upon the Land Bill was only another illustration of how unreliable purely political parties were upon purely political questions.

THE CHAIRMAN: The hon. Member must really make his remarks relevant to the Amendment, and his Amendment is simply to omit the words "with the concurrence of the Treasury."

MR. BIGGAR said, he was showing that the Treasury were a political party, and that they would be influenced by the action of practical politics and by pressure that it was undesirable should be brought to bear upon them. He would, however, go no further, but would be content to move to omit the words in question.

Amendment proposed, in page 18, lines 12 and 13, leave out the words "with the concurrence of the Treasury."  
—(Mr. Biggar.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. E. FORSTER: I do not think that the Committee will expect

me to reply at any length to the remarks of the hon. Member for Cavan (Mr. Biggar). I think he has answered himself. The hon. Member wants us to suppose that there may be schemes set on foot by speculators which may be unsound and fraudulent, and he stated that the hon. Member for Exeter (Mr. Northcote) had been hired here to represent a Company in Minnesota. All I can say is that I did not understand the hon. Member for Exeter to say anything of the kind. If the hon. Member for Cavan (Mr. Biggar) wishes simply to have security for the loans which the Commission are empowered to advance, it would be the business of the Treasury to examine the nature of the security offered. To say that the Commission should be able to enter into agreements would certainly be depriving the Bill of the security which it now gives. I do not think that any responsible Government would ever consent to get rid of the security which the concurrence of the Treasury is to involve in this case. The hon. and learned Member for Chatham (Mr. Gorst) has stated that the money would eventually come out of the pockets of the British taxpayer. That is not the intention of the Government, nor is it the wording of the clause. The wording of the clause is that it should be a loan upon good security, and it is most desirable that the Treasury should have an opportunity of expressing its opinion upon the value of the security offered.

MR. ARTHUR ARNOLD said, the discussion which had taken place showed how very inconsistent the hon. Member for Cavan (Mr. Biggar) was. The hon. Member was opposed to the whole policy of emigration, and yet he proposed now to leave out one of the most important safeguards the clause contained against extravagant exercise of the powers proposed to be given to the Land Commission. The proposal of the hon. Member for Cavan was to have the Land Commission standing alone as the authority to deal with the subject. Now, the right hon. Gentleman the Prime Minister had expressed a strong objection against intrusting the Land Commission with the duty of undertaking the reclamation of land; and he (Mr. Arthur Arnold) certainly thought that it was a matter of doubtful policy to make the Land Commission an emigration agent. If

the Amendment were agreed to, the Land Commission would stand alone and supreme as an emigration agent in the matter; and he could not recommend the Government to attach to the Land Commission any such function. He thought it was desirable to confine the operations of the Land Commission to judicial questions, and, as the Amendment of the hon. Member affected the entire policy of loans to be granted under the clause for the purposes of emigration, they ought not to leave out of sight the policy which that proposition brought into view. In the Library of the House of Commons, the other day, he was looking at the Census Returns of the population of Ireland; and, in considering the policy of authorizing the Treasury to grant loans for the purpose of emigration, they ought not to forget that one of the consequences of emigration had been to leave in Ireland a proportion of deaf and dumb and afflicted persons—much greater than existed in any other country in Europe. He did not propose to discuss questions of political economy now; but he believed they would all agree with him that, whether the policy of the clause was sound or unsound, the worst export a country could make was that of its own population. Emigration should, at all events, be the last resort. Until they had arrived at a definite and certain conclusion that there was no possibility of dealing with the redundant population of Ireland in certain districts in any other method, he would earnestly counsel them not to look upon emigration as the wisest and best course that could be taken, for, as he had already said, they should always remember that the worst export which a country could make was that of its own population. The right hon. Gentleman the Prime Minister took credit that the Government did not propose to engage in the reclamation of land. That was a policy of which he entirely approved; and he asked them now to go one step further, and not to undertake the work of an emigration agent. If the emigration to be conducted under this clause was to be of the same character as that which had taken place heretofore, it meant that the proportion of blind, deaf and dumb, and of the miserable and afflicted, would rapidly increase in Ireland as the work of emigration went on.

MR. MAC IVER rose to Order. He wished to know whether he would, in reply, be allowed to go into the general subject of emigration as the hon. Gentleman (Mr. Arthur Arnold) was doing?

THE CHAIRMAN: I think the hon. Member for Salford (Mr. Arthur Arnold) is wandering into matters which have no connection with the Amendment before the Committee. He is now really making a speech against emigration, and not discussing the clause.

MR. ARTHUR ARNOLD said, the Amendment of the hon. Member for Cavan (Mr. Biggar) was to leave out of the clause the financial control which at present existed—namely, the most safe and valuable control of the Chancellor of the Exchequer; and he had been alluding to the expressions made use of by the right hon. Gentleman that the Government did not propose to manage or direct either the work of reclamation or emigration. He approved of the policy of the Government in declining to be active emigration agents or reclamation agents; and what he wished to point out was that the Amendment proposed by the hon. Member for Cavan was a palpable contradiction of the policy which the Irish Members had hitherto pursued in regard to the clause.

MR. HEALY said, the Chief Secretary for Ireland had made an important statement when he said that the Treasury would have to examine the nature and value of the security offered. That was quite true; but were they to understand that it would be the business of the Land Commission to go into the highways and byeways in order to find out the people who wished to emigrate, and then for the Treasury to say that the security was good? He understood that it would be the business of the Land Commission to pay some attention to the security, and also to the character of the parties who availed themselves of the advantages of the scheme. He would ask the Prime Minister to take the Amendment in connection with an Amendment lower down, which proposed to limit the entire amount of money to be placed at the disposal of the Land Commission. If that were done, and a fixed sum only granted, what necessity would there be for the controlling power of the Treasury? If a limited amount of money were placed at the disposal of the Land Commission, it would be the

duty of the Land Commission to see to the security and *bona fides* of the persons who undertook to carry out these schemes, and there would be no necessity at all for the retention of the control of the Treasury. But the fact was that the Government wished to place an uncontrolled sum of money into the hands of the Land Commission, and that was the very thing that the Irish Members dreaded. An uncontrolled sum of money was to be placed in the hands of the Land Commission, and therefore it was necessary that the Treasury should have a controlling power. If the Government fixed some tangible amount, the Committee would be able to discuss the clause from something like a reasonable standpoint. The Prime Minister said the present Government had no intention of granting a very large sum; but hon. Members did not know what would come after the present Government went out of Office. They had had plenty of experience of bad government in Ireland, and unless a limit was fixed it was impossible to say that at some time or other men might not come in power who might choose to offer the most extraordinary inducements to the people to quit the country; and, for anything they knew, an entire Province might in that way be depleted. And then, having depleted the population, the next thing would be to cut down the representation. Let the Government, at all events, tell them what sum of money they intended to place in the hands of the Land Commission. This was not a case like that of the purchase of farms. The Prime Minister said that no control would be put on the expenditure of the Land Commission in regard to the advances for the purchase of farms. The Irish Members admitted that that was a beneficial object, and they were quite sure that there was no sinister political object to be served by it; but in this case they had a distinct dread of some sinister object, and they would fight the matter tooth and nail. It was no argument to say that they had only the present Government to deal with, and that the present Government would give them their assurance that their intentions were good. They all knew something about the good intentions of the Government, but they must not forget that future Governments would follow; that other Governments would succeed the excellent Government of the

Prime Minister; and what did they know about them? Let Her Majesty's Government do one of two things. Let them give a fixed sum of money; and if they declined to do that, let them make the scheme operative for two years only. It was quite true that certain portions of the country had become congested; but would the Government confine the operation of the clause to those congested portions of the population? They admitted that Mayo and Galway were overpopulated; would the Government confine the clause to Mayo and Galway, and not give power to emigrate the people of the county of Dublin?

MR. C. S. PARKER rose to Order. The hon. Member for Wexford had been discussing two Amendments lower down in the Paper, one of which was in his own name.

THE CHAIRMAN: I think that the hon. Member is quite in Order in discussing the limitation of the sum to be granted to the Commission, because it has a bearing upon the Amendment before the Committee. But with regard to a limitation of the districts, I do not think that would be in Order.

MR. HEALY said, he was prepared to admit that it was hard for the hon. Member for Perth (Mr. C. S. Parker), or any other Scotch Member, to see the exact bearing of these Amendments. But it was very hard upon an Irish Member, when he had to deal with English and Scotch Members, that his arguments should always be met in this way. If they were discussing these matters in a Parliament composed of themselves, they would be allowed something like liberty of speech; but they must remember that they were in a foreign Assembly, listened to by foreigners who had no sympathy with them. If the proposal were to export the constituents of the hon. Member for Perth to Zanzibar, or to Virginia, or to Zululand, the hon. Gentleman might object; but his interruption in the present discussion was quite irregular. What he asked was that the Government should give them some assurance that they would limit the total sum to be granted; that they would limit the power of the clause by confining its operation, and not extend it to the whole of Ireland.

MR. SHAW thought that the hon. Member for Wexford (Mr. Healy) had made some good suggestions, especially

the one in which he proposed that the sum of money to be granted should be limited. He (Mr. Shaw) certainly thought that nothing like an unlimited sum ought to be placed in the hands of the Commissioners, although he had no fear that emigration would be carried out to an unlimited extent. There was something also in the suggestion that the operation of the clause should be confined to the distressed districts. It was very evident that if the Commissioners purchased property they would find upon it a number of poor small tenants. He knew some of those districts himself. He had been over them, and he had seen some of the estates upon which it would take 10 years to migrate the distressed people, unless they were taken bodily and put down in some of the rich lands of Meath. If the poor people themselves were asked whether they would prefer to be migrated to the poor mountain sides, or to be sent with their families to America on a well-arranged scheme of emigration, he knew what their answer would be. He was not speaking speculatively, because he had made it his business to put the question to the people who would be most deeply affected, not in the presence of the Commissioners, but whenever he could meet the people outside. They did not, however, want wholesale emigration in Ireland; and he looked forward to the time when, owing to the increased population, and also to new industries, labour in Ireland would not be a drug in the market, but would be able to command fair terms. But, in the meantime, he was strongly in favour of some provision for a well-considered system of emigration, which could not possibly do any harm, and might do, in many cases, a great deal of good. He certainly thought that they ought not, for any slight reason of their own, either political or otherwise, to prevent poor people now living in wretched hovels on the mountain side from having a fair opportunity of changing and bettering their position in another land. That was all that the clause proposed to do. Some Amendments had already been introduced by the Government, which he thought would improve the clause very much; and he should be glad if there were some expression included in the clause which would make the desire to emigrate originate with the poor people

themselves, and not make it seem that it was the desire of Parliament to get rid of them and send them somewhere else. At present, he was sorry to say that that was the impression which the clause produced in most minds. He thought that a few words might be introduced to direct that applications from persons wishing to emigrate should, from time to time, be considered. Neither landlords nor speculators should have power in the matter. The Committee had now discussed the clause at very great length, and he was sure it was not so important a clause as many of his hon. Friends thought, or as the representatives of the landlords seemed to think; but, at the same time, it was thought that there would be many cases where it would be exceedingly useful to the people themselves. His hon. Friend the senior Member for Waterford (Mr. Villiers Stuart) said last night that persons in Ireland were so attached to their little bits of land that no one could induce them to emigrate. If that was the case, why no one would emigrate. He might say that he had had the best opportunity, while acting with the Commission, of making inquiries, and he had made it his business to ascertain the opinions of the people in regard to this very clause. He believed that if they could see their way to obtaining a fair living at home, as he thought they would under this Bill, they would not like the idea of going to America at all. But round the coast of Ireland there were many spots where the land was not sufficient to afford a living for the people, and this clause would be a benefit to such persons. He did not think that the Government contemplated any scheme of extraordinary magnitude with regard to emigration. The people of Ireland, and the public opinion of Ireland, would not allow of anything that had not the full consent of the people themselves. But he would ask what his hon. Friends intended to gain by carrying the discussion of this clause beyond a legitimate point? A critical time was now passing, and the Bill had to be sent to the House of Lords. The clause could not do harm, and it might do good. It was, practically, of some importance. He hoped his hon. Friends would excuse the liberty he took. His only object was to do the best he could for his country. He must honestly say that he

*Mr. Healy*

was in favour of allowing this clause to stand part of the Bill.

MR. GLADSTONE: I rise with the view of saving time. In consequence of what has been said, there is no objection on the part of the Government to the insertion of a provision of the kind suggested by the hon. Member (Mr. Shaw) in the clause. I do not know whether it is wanted or not; but the Government would have no difficulty in inserting words to make it clear that it is at the desire of the people themselves, and not by the intervention of middlemen, that the emigration should take place. I hope, under these circumstances, that the Amendment will be immediately withdrawn.

MR. O'SHAUGHNESSY hoped now, after the suggestions made by the hon. Member for Wexford (Mr. Healy) had been approved of by the hon. Member for the County of Cork (Mr. Shaw), and adopted by the Government, the debate would be brought to a close. There was, however, one suggestion of the hon. Member for Wexford which the right hon. Gentleman the Prime Minister had not touched upon. The hon. Member for Wexford suggested that the provisions of this clause should be confined to the congested districts, and, if he made no mistake, the hon. Member for Cork approved of that suggestion. Now, if the clause was to be passed at all, the district to which it would be confined would be limited. There were certainly one or two districts upon which tenants were located who could not possibly derive a living. It was a matter of natural necessity that they should get a living; and if they were not able to get a living in Ireland, and were obliged to have recourse to emigration, it was only reasonable that they should get such assistance as the State could give them. But it was equally desirable that they should not unnecessarily extend the power of the clause, which would be very unpopular in Ireland, beyond those districts which had been pointed out by the hon. Member for Wexford. The reason why he should like to see it confined to those districts was this—

THE CHAIRMAN: The hon. and learned Member could not have been in the House when I mentioned that it would not be in Order to discuss the limitation of the clause. That question is raised in a later Amendment.

MR. O'SHAUGHNESSY thought the question had been discussed most distinctly, both by the hon. Member for Wexford (Mr. Healy) and the hon. Member for the County of Cork (Mr. Shaw).

THE CHAIRMAN: Not when attention was called to it, and I ruled that it was out of Order to discuss that point.

MR. O'SHAUGHNESSY said, that must have occurred before he reached the House, and he apologized for having unintentionally disobeyed the ruling of the Chair. The remarks which he wished to make would turn altogether on the necessity of confining the clause to the distressed districts, and with regard to those distressed districts—

THE CHAIRMAN: I have told the hon. and learned Member that there is an Amendment on that point which will come later on, and must not be discussed now. There are three pages and a-half of Amendments, and unless we go through them regularly it will be impossible to get through them at all.

MR. O'SHAUGHNESSY said, he had misunderstood the observations of the right hon. Gentleman. With regard to the clause now before the Committee, it sought to take away from the Treasury all control whatever over any scheme of emigration. If it were put to the vote he should be obliged to vote against it for this reason—that the clause as it stood afforded the best security that could be provided against the abuse of any scheme. The Treasury was the very best security that the provision would be carried out properly and economically, and that the money would not be thrown away on speculative schemes of emigration, or the country unnecessarily depopulated. The best safeguard against the landlords having the power to turn out the people by wholesale was to give the Treasury complete control over the applications. Irish Members knew something of the difficulty of obtaining grants of public money for public purposes from the Treasury; and he would, therefore, suggest that the Amendment should be withdrawn.

MR. ARTHUR ARNOLD said, before the Amendment was withdrawn, he wished to remind the Committee that the voluntary emigration from Ireland last year amounted to 95,517, showing an increase of 47,000 over the previous year.

MR. LALOR said, the hon. Member for the County of Cork (Mr. Shaw) had spoken of a well-arranged scheme of emigration; but where was that well-arranged scheme of emigration to be found in the Bill? He certainly failed to see any provision for a well-arranged scheme, and he had too lively a recollection in times past of the system of emigration carried on by Companies and by landlords from Ireland to Canada, not to be frightened at the idea of seeing a wholesalescheme of Government emigration of the poor people of the country, which would place them on the shores of Canada without a stiver in their pockets, or the chance of earning their own living. That was what was done in 1845, 1846, and 1847, when the Irish emigrants were huddled in sheds on the shores of the St. Lawrence, and died of fever. He saw nothing in the present Bill to guard against such a state of things occurring again; and he believed that if they were prepared to leave Canada out of the question altogether, and frame a good system of emigration in a way in which it could be properly carried out, the Irish Members would be better prepared to accept the clause.

MR. BLAKE asked the hon. Member for Cavan (Mr. Biggar) to give an explanation of another portion of his Amendment which came later. If that explanation was satisfactory, he should feel strongly disposed to support the Amendment of the hon. Member.

THE CHAIRMAN: The Amendment now under consideration is the first one standing in the name of the hon. Member for Cavan (Mr. Biggar).

MR. BLAKE said, he would not trench upon the ruling of the Chair; but he hoped the emigration would not be confined to the distressed districts.

THE CHAIRMAN: The Question before the Committee at the present moment is simply whether the words "with the concurrence of the Treasury" shall be left out of the clause. The Question that I have to propose is that the words proposed to be left out stand part of the Question.

MR. CALLAN wished to ask for some explanation of the reference to the concurrence of the Treasury in the remainder of the clause. Would the Treasury have any power to allocate the mode of application, or would their power be confined simply to the grant-

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ing, securing, and repaying of the sums advanced? He should vote against the Amendment if the concurrence of the Treasury was limited solely to the granting, securing, and repayment of the sums advanced by the Commission for the promotion of emigration; but he should certainly vote in support of the Amendment if the Treasury was to have any authority whatever over the mode of application. The Commission was to be an Irish Commission. It would be constituted, he assumed, of Irishmen, and he trusted that would be the case, although he knew that there were Scotch and English applicants for the offices, who were willing to emigrate to Ireland in order to fill such a good pecuniary position. He should like to be informed, either by the right hon. Gentleman the Chief Secretary for Ireland or by the Prime Minister, whether it was contemplated that the Treasury should exercise any authority over the mode of application, or as to the power of granting money to certain bodies. Anyone looking at the clause would see that it was intended solely and simply for the promotion of emigration to a British Dependency. Now, he happened to be reading that morning a report of a meeting of Poor Law Guardians in his own county, and he found that the Guardians wished to send away six pauper children about 15 or 16 years of age to America, and it was proposed to allocate the amount of their maintenance for one year in order to assist them in emigrating. The Local Government Board did not object to the emigration; but they did object to the children being sent to anywhere else except to Canada, notwithstanding that the emigration was to be done actually for the relief of the rates. The Local Government Board objected to the removal of the children if they were to be sent to the United States; but they would permit the operation to be performed if the children were to be sent to Canada. From the wording of the present clause, it was evident that the intention was to promote emigration from the inclement Western shores of Ireland to the equally inclement districts of Canada, and the people who desired to emigrate would not be at liberty to go to the United States. Now, if the Commission were to have authority to say in what mode the application was to be carried

out and where the people were to be allowed to go, he would vote that the Treasury should have full power to control the granting, and securing, and repayment of the money; but he thought that no power should be given to the Land Commission to prescribe the districts to which the emigration should be directed. The clause was altogether a very crude clause, and he should prefer to see it dropped out of the Bill. The Bill itself was said to be a Bill to amend the law relating to the occupation and ownership of land in Ireland, and for other purposes relating thereto, and he did not see why the concurrence of the Treasury should be called in.

MR. GLADSTONE: The concurrence of the Treasury in this case would be exactly what it is in military matters. The Treasury does not make itself a judge in military matters; but it exercises a certain financial control. It is proposed that the Treasury shall exercise a financial control here, exactly analogous to that which it exercises in military matters.

MR. FINIGAN said, he was sorry that the hon. and learned Member for Limerick (Mr. O'Shaughnessy) had not had an opportunity of reviewing the whole subject; but he trusted that the hon. Member would be able to do so when the clause came up to be finally passed. He (Mr. Finigan) had risen now to ask the Prime Minister whether it was understood that the amount of the advances for emigration purposes would be limited, that the districts from which the emigration took place would be limited, and if a fixed period of time would be specified for the duration of the Act? If that was so, he would advise his hon. Friend the Member for Cavan (Mr. Biggar) to withdraw the Amendment, and allow the Government to state simply on what lines and to what extent this very wrong principle was to be carried out.

MR. BIGGAR said, he was exceedingly unwilling to withdraw the Amendment, and for this reason. The Prime Minister had given a half consent to limit the amount, but had not told them what the limit would be. Now, the avowed policy of the Government was to stimulate this emigration as far as possible. They knew that the present Government would not last for ever, and if the Tory Party came into power, they

would be disposed, as far as possible, to give effect to the policy which they had advocated while in Opposition. He knew very well that Ministers of the Crown did not always pursue a policy when in Office which they had advocated when in Opposition; but he was speaking now of the independent Members of the Conservative Party, who, at the present moment, really seemed to be very much in favour of depopulating Ireland altogether, and the present Government had assisted them all in their power. They had encouraged evictions in a wholesale manner, and now, by this clause, they proposed to send the Irish people to a part of the world where they could only exist for a few years. Still, if a narrow limit were given to the extent to which the Act would go, of course the opposition of the Irish Members to the clause would not be so strong; but as the matter now stood, the avowed policy of the Tory Party was in favour of encouraging emigration. The Government had been pursuing, and, in spite of its disavowals, it was quite evident that the Government, as far possible, were in favour of pushing forward, a policy of emigration; and his object in moving the Amendment was to prevent the Treasury from having anything to do with the matter. The hon. Member for the County of Cork (Mr. Shaw) had spoken of the intentions of the Government and of the clause; but whatever those intentions might be, he (Mr. Biggar) would like to see them carefully specified in the Bill. As far as he had examined the clause, he failed to find in it any scheme of emigration, or any limit as to the extent to which it was intended to carry it out; or, in point of fact, any information upon the subject whatever. The general statement of the Prime Minister that emigration was not to be carried out to any considerable extent was very vague and indefinite. His words might soon be entirely forgotten; indeed, these small contentions in Committee might not even be reported in *Hansard*, so that it was impossible to bind the Government to a declaration of this nature; and the declaration itself, under these circumstances, was so vague that it was entirely worthless. He desired that the Prime Minister would state clearly what the limit was that he proposed; whether he would limit the entire sum generally, or

limit it per annum; and then he (Mr. Biggar) would be prepared to say whether he would press his Amendment or not.

MR. DILLWYN said, he thought there was considerable misapprehension on the part of hon. Members as to the object of the words in the clause which were objected to. He understood that they were words of limitation to prevent money being drawn from the public purse, except with the consent of the Treasury, which was the custodian of the public purse. The Prime Minister, as First Lord of the Treasury, was chief custodian, and the right hon. Gentleman had expressed his willingness to limit the amount. Hon. Members seemed to think that the words in question gave the Treasury power of interfering with the whole matter of emigration; whereas, as he understood, they simply gave the power of limiting the advances.

MR. HEALY appealed to his hon. Friend the Member for Cavan (Mr. Biggar) to withdraw the Amendment, and take the discussion upon the next Amendment.

MR. LEAMY said, the hon. Member for Swansea (Mr. Dillwyn) suggested that these were words of limitation. No doubt that was the intention of the words; but why not give full effect to the limitation. What was feared now was that the Government might be willing to sanction any scheme of emigration to a British Colony, but that they might refuse to sanction the transport of the Irish people to the United States.

MR. BIGGAR said, that, after the appeal of his hon. Friend the Member for Wexford (Mr. Healy), and as he would have an opportunity of hearing from the Prime Minister, on some future Amendment, what was really meant by the clause, he would ask the leave of the Committee to withdraw the Amendment. At the same time he thought they were perfectly in the dark as to what the intentions of the Government were, and while the Committee were in that position it was impossible to withdraw their *bona fide* opposition to the clause. It had been suggested by the hon. Member for the County of Cork (Mr. Shaw) that this was a factious opposition to the clause. Nothing was further from his (Mr. Biggar's) mind. He opposed the clause; but he thought if it was amended it might be made much less objectionable. But, at the same time,

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he thought that those whose constituents were directly interested in a matter of this sort were entitled to criticize the language of the clause as much as they thought it was worth.

THE CHAIRMAN: Is it the pleasure of the Committee that the Amendment be withdrawn? [*Cries of "No!"*]

Amendment *negatived*.

MR. HEALY moved, in page 18, line 13, after "Treasury," to insert, "and on being satisfied that a sufficient number of people in any district desire to emigrate." He thanked his hon. Friend the Member for the County of Cork (Mr. Shaw) for the support he had given to the three suggestions which he had made to the Government, and he must say that he thought the Prime Minister had met them in a very fair spirit. He understood that this Amendment would rather allow the Committee a somewhat wider range; but he understood that the Government were prepared to accede to the two most important points—namely, that the range of the operation of the clause should be limited to the congested districts, and that a sum of money should be fixed for the advances. As he understood, the Government intended to accede to those two points. He was not quite clear that his Amendment, in a verbal sense, was exactly the best that could be proposed. It would be better to say—"on being satisfied that any number of people in a district to be hereafter mentioned," and then leave out "Ireland," and insert "Mayo, or Donegal, or Galway," where the congestion prevailed. If they were to discuss the question of emigration they ought to discuss it frankly. The Amendment, as it was now proposed, put upon the people themselves the entire initiation of emigration. That was a desirable thing, in his point of view, because it would prevent the people from emigrating; but, at the same time, if it was desirable that they should emigrate, it was not reasonable that the entire initiative should be cast on them. For instance, an unfortunate man, living in Connaught, who did not know a word of English, and who had lived all his life within sight of the smoke of his own hut, would not be supposed to know anything about the details of an Act of Parliament. If it was desirable that a number of

unfortunate people, living on two or three acres of land, and unable to get a living, should go somewhere else, he thought their removal ought to be to some other part of Ireland, and not to America at all; but he would not discuss that point now. The clause, as it stood, threw the initiative upon speculators whose sole object was to make money. That he entirely objected to; but he thought that it was for the Government, and not for a private Member, to devise a more satisfactory scheme. The unfortunate inhabitants of the poorer districts of Ireland should not be left to the mercy of advertising agents and others, who travelled all over the country hawking about advertisements, working up emigration schemes, and making the most illusive and delusive promises.

Amendment proposed,

In page 18, line 13, after the word "Treasury," insert "and on being satisfied that a sufficient number of people in any district desire to emigrate."—(*Mr. Healy*.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER: I can really scarcely understand the hon. Member. I have failed to gather whether he is in favour of his own Amendment or not.

MR. HEALY said, he had a preference for his Amendment, as against the Government proposal. He thought it was more desirable, from his point of view, to throw upon the people themselves the entire burden of their removal than to throw it upon a number of speculators; but he had also said that both schemes had their objectionable features.

MR. W. E. FORSTER: Now, I confess that I think the words proposed by the hon. Member are very good words, and words which the Government might accept. We did not propose to insert them ourselves, but we had a perfect intention of acting upon them. The Commission must have in their view a crowded district, from which the people really wish to emigrate. I cannot conceive that any Commission, or any Company, or any Government, would consent to do it under any other circumstances, and therefore it is desirable to insert these words. The Land Commission must, as I have said, have a particular district in view, such a district as those mentioned by my hon. Friend the Member for the County of Cork (Mr.

*Mr. Biggar*

Shaw), where the remedial measures of the Land Bill would not remove the miseries of the people. I think the words would certainly meet the object which the hon. Gentleman has in view. I think that an absolute limitation would be absurd. Suppose, for instance, that the inhabitants of a crowded district in Mayo asked to be removed to some Colony under proper regulations, where they knew they would be well received, it would be a very hard thing, if some people, in some other district, wished to avail themselves of the same provisions, to declare that they were entirely shut out. At the same time, certain districts would be in the minds of the Commission and the Treasury at the time they entertained the application for an advance. I am quite disposed to accept the Amendment.

MR. PLUNKET said, he had always taken an interest in this question. The Committee would remember that on the second reading of the Bill he had strongly supported the principle contained in this clause. As he understood the object of the Amendment, it was to limit the operation of the clause as much as possible to congested districts. Of course, the word "district" was an ambiguous word, and in that sense the Amendment of the hon. Member for Wexford (Mr. Healy) might not do much harm; but he (Mr. Plunket) did think that it was a great pity to shackle the operations of the Commission in the power intrusted to them, not for stimulating, but for facilitating emigration, where it was clearly desirable that it should take place. He was not going to discuss the subject of emigration, or to urge it as a rival plan to that of the Government; but he believed that this clause contained a very necessary supplement to the other parts of the Bill, if it were to be successfully carried out. Everyone knew that he was not himself in favour of the policy of the other parts of the Bill—certainly not of a very great deal of it; but if the Bill was to become law he considered that it should act with as little hardship as possible. He wished to call the attention of the Committee to two points. The main policy of the Bill was to give effect to the "three F's" and the creation of a peasant proprietary. The object of this clause was to enable the Land Commission, in carrying out that policy, to avail

themselves of emigration by advancing the means out of the public funds. The best argument he had heard in favour of the policy of free sale was that the result would be that weak men would sell and strong men would buy, and that they would thus ultimately get those persons to cultivate the soil of Ireland who were the best able to do so for their own advantage and that of the community. But what was to become of the weak men who sold? The conditions under which they lived were miserable, and the conditions under which they emigrated might be made happy and prosperous. He adopted every word that had been said by his hon. Friend the Member for the County of Cork (Mr. Shaw). It was a mistake to say that the Tory Party wished to see the depletion of Ireland. Nothing was further from their wishes. He deeply regretted to see his countrymen going from their native shores; but when the only conditions on which they could live at home were miserable, and when those under which they could live abroad were happy and prosperous, was it not the wisest thing that could be done to provide them with facilities if they voluntarily wished to go abroad? What, otherwise, he would again ask, was to become of the weak men who had to sell? At present there was little enterprise or industry in Ireland. He looked forward to a better and happier time, when there would be enterprise and industry in Ireland, as in England, Scotland, and Wales, and when the country would be prosperous and contented.

MR. CALLAN rose to Order. He did not wish to interrupt the right hon. and learned Gentleman (Mr. Plunket); but he wished to call attention to the fact that the Chairman was allowing the right hon. and learned Gentleman to discuss the clause when he had restricted other hon. Members to the words of the Amendment.

THE CHAIRMAN: I do not think the right hon. and learned Member (Mr. Plunket) has at all transgressed. The right hon. and learned Gentleman was proceeding to explain why there should not be a limitation of the clause according to the Amendment.

MR. PLUNKET said, he had, when interrupted, been applying himself to clear the Conservative Party from the charge which had been brought against them of desiring to decimate the popu-

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ation of the country. What he was going to say was that if they put any limitation upon the operation of the clause as to a certain number of the population and a certain district desiring to go, they might prevent the Commission from dealing with cases that were likely to occur under the operation of the principle of free sale in Ireland. One word with regard to peasant proprietors. The Government said there must be a certain number of persons in the bad districts who wanted to go. But suppose the case of an estate where there was a number of people, and upon which there were only a few who could pay their rents. They would be in this difficulty—that they would not be able to purchase their holdings, and they would not be in a position to obtain an advance from the Commission for the purpose of emigrating. Surely there would be nothing unreasonable in such a case in assisting, perhaps, some two or three families to emigrate. For these reasons he thought it would be a mistake to place restrictions of this kind upon the Commission. It certainly would be a mistake to limit the operation of the clause as to the power of the Commission to act when they had a considerable number of persons in a particular district who desired to emigrate.

Mr. BLAKE regretted that he must dissent from the hon. Member for Wexford (Mr. Healy) in regard to restricting the power of the Emigration Clause to distressed districts. There could be no question that the clause would be of more value in certain districts in the West of Ireland than elsewhere; but there were in nearly every county in Ireland—amongst them in his own county—places where it was desirable that many persons should be able to take advantage of this clause. He spoke in the position of having three of his constituents sitting beneath him, and he was naturally very proud of them. The hon. Member for Wexford, who had very wrongly described himself as a simple Member, was one, and the two hon. Members for the borough of Waterford were also among his constituents. He appealed to those hon. Gentlemen if it was the fact that in the county to which they all belonged there were not some localities containing a large number of poor people who, with great advantage to themselves, might

be emigrated. Some time ago he had prepared a simple scheme of emigration himself, which he had desired to carry out. He was neither the proprietor of large estates, such as had been described by an hon. Member, nor was he the proprietor of land either in Canada or America. Therefore, he was not open to the charge that it was for his own purposes that he propounded a scheme. But he had been lately in Minnesota, and the Bishop of Minnesota, Dr. Ireland, told him that any number of young women of good character, from 15 to 25 years of age, might be taken out to that Colony, and be able to obtain £20 or £30 a-year in wages, with board and lodging, and the probability of getting a good deal more in a short time, and nearly a certainty of getting well-married in the end. Part of his scheme was, that every halfpenny of the money advanced should be repaid to him, and that there should be a thorough understanding on the part of the people who emigrated that they only had the money as a loan. Dr. Ireland told him that the women who went out would be placed by him under the care of the Sisters of Charity, and that the latter would endeavour to have the money advanced for their emigration paid back. He had communicated with the Rev. Father Nugent, the originator of the emigration scheme from Connemara to Minnesota, and Father Nugent told him he had no doubt that wages of from £30 to £40 a-year could be got by young women such as he had described, if they went to some of the more Western States. In various counties, and in his own, there were a great number of isolated instances of people who could do no good for themselves at home, and who would derive considerable advantage being sent away; and he therefore strongly appealed to the Government, and to the hon. Member for Wexford not to persevere in limiting the benefit of the scheme to particular districts, but to allow the clause to be extended to such instances as those which he had described. The junior Member for Corl threw out a hint yesterday which Mr. Blake very much approved of—namely, that in every case where people were sent out, it should be through the medium of Boards of Guardians, who should, in the first instance, satisfy themselves whether the persons pro-

*Mr. Plunket*

posing to emigrate were eligible for emigration, and that their condition was such as to lead to the belief that they were not likely to succeed at home.

MR. A. MOORE hoped the Government would consider the matter very carefully before they accepted the Amendment. No doubt, it would be cruel to compel people to live in thickly populated districts; but the Amendment, he feared, was not sufficiently guarded. If there was to be any limitation, he should like to see the Committee adopt that of the hon. Member for Armagh, which said that they should be allowed to assist tenants in needy circumstances to emigrate with their families from the poorer and more thickly populated districts. It was essential to have some such limitation as this, because it was a crime to spend public money in assisting people to emigrate from districts which were too sparsely populated already. If this Amendment were agreed to, the Commissioners might emigrate families from the county of Meath, through which one might travel mile after mile without seeing the smoke of a house. Moreover, when families were emigrated there should be adequate guarantees that proper facilities would be afforded for transplanting the poor people from their native land to comfortable homes elsewhere, where they would not be subjected to the difficulties and miseries that emigrants now-a-days had to encounter. He hoped the clause would pass, but would be limited in its operation to those districts where the people, at present, were unable to live in decency and comfort.

LORD RANDOLPH CHURCHILL did not agree with the hon. Member opposite that the principle of the Amendment was a bad one. The clause should be put into a more definite shape so that anyone who looked into it could see what the emigration was to be, and the Amendment would have the effect of doing this to some extent. It was rather too vague in its wording, however. What, for instance, did the words "sufficient number" mean? It would be almost impossible for the Commissioners to arrive at a decision; and, even when they did, they might discourage emigration where it was most desirable, because, in their opinion, there might not be the "sufficient number" desiring to emigrate that was in the mind of Parlia-

ment when the clause was passed. On the other hand, the Amendment might operate unsatisfactorily by inducing the Commissioners, in order to make up the "sufficient number," to unduly stimulate emigration where it was not required. He would suggest that after the word "on" these words should be inserted—"Application being made by poor persons or families desiring to emigrate." That would leave—what he considered to be a matter of great importance—the emigration to be spontaneous on the part of the people, and not an artificial and got up thing. He would point out that the words "poor persons or families" had been taken from previous Acts of Parliament. It was necessary that these poor persons should be acquainted with the text of the Act; but there would always be plenty of well-educated, intelligent people who would make the application to the Commissioners on their behalf, and who would give them all necessary information. Under the terms of his Amendment it would be open to individuals, who would easily have their attention drawn to the benefits of the Act, to apply to the Commissioners to assist them to emigrate.

Amendment proposed to the said proposed Amendment,

To omit all the words after the word "on," and insert "application being made by poor persons or families desiring to emigrate."—*(Lord Randolph Churchill.)*

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

MR. GLADSTONE: The Amendment of the noble Lord is open to the very objection he himself has raised with regard to the "sufficient number" being in the discretion of the Commissioners. He says the Amendment is indefinite; but he makes the matter still more indefinite by saying that the Commissioners are to receive applications from "poor persons or families."

LORD RANDOLPH CHURCHILL: These are the words of four Acts of Parliament.

MR. GLADSTONE: I have no doubt those words have been used in former Acts of Parliament; but they must be viewed in connection with their context. However desirable they may have been in other Acts they are out of place here. If you object to the discretion of the

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Commissioners you must lay down some iron rule. The Amendment of the hon. Member for Wexford (Mr. Healy) embraces two things—one is, that there should be something in the nature of a voluntary movement ascertained by the Commissioners. That is one of the principles to which we desire to give our assent; but I doubt whether it would be desirable to specify in the clauses that this should be ascertained through the direct application from the people. A provision of that kind would have a tendency to introduce confusion in the working of the clause. It is desirable to leave it to the discretion and sense of duty of the Commissioners to find out whether there is anything in the nature of a spontaneous movement. As to confining the arrangement to particular districts of Ireland, I do not conceive that principle to be within the scope of the present Amendment, therefore I will not go into that matter. The question as to whether we should endeavour to give a specific description of the districts had better stand over until it is distinctly raised. The second point of this Amendment, as we understand it, and in which sense alone we have accepted it, is that there should be a general assertion by Parliament that the kind of emigration on which this public money is to be expended shall be a collective emigration. With regard to sporadic emigration, the hon. Member does not propose that anything should be done to limit the action of the Commissioners. I do not think any severe or stringent limit should be imposed. There should be nothing to bind the Commission, or to prevent their having to do with a scheme of emigration where the emigrants come from different districts; but, as far as this sporadic emigration from the whole of Ireland is concerned, that has been, and is now going on at a very great rate, and I do not know that the intervention of Parliament is necessary in the matter. It is that sort of collective emigration which has reference to the special position of special districts which we have had mainly in view. It is to the relief of congested population by collective emigration that the Commission is to look rather than the application of a general stimulus to general emigration. That is the sense in which we accept the Amendment, and if we can dispose of it—provided the Committee approves of

that general idea—we shall come to consider, in a subsequent Amendment, whether it is desirable to attempt any more particular description of the districts where emigration is to take place, or whether it is not desirable to do so.

MR. CALLAN said, he was sorry they had had such an authoritative pronouncement as this in favour of collective emigration, which he took to be nothing less than transportation *en masse* instead of that spontaneous emigration which the Amendment of the noble Lord clearly pointed to. He was in the West of Ireland last April, and his attention was drawn by a Conservative gentleman—Sir Ralph Cusack, Chairman of the Midland Great Western of Ireland Railway—to the fact that in one day 175 tickets to Liverpool *via* Dublin were issued to emigrants *en route* for America, and these emigrants varied in age from 15 to 30. There were upwards of 2,000 people at the railway stations to see these emigrants off, and most of these crowds consisted either of very young or old people. This was collective emigration—the emigration of the bone and sinew of the country. He had since entered into communication with the Chairman of the Midland Great Western Railway about this emigration, and had learnt from him that whilst this great amount of emigration was going on *via* Dublin, there was also a considerable amount from Athlone, Athenry, and Cavan, the Athlone and Athenry emigrants going by way of Queenstown, and the Cavan emigrants going by way of Derry. In six weeks the emigration had amounted to 8,524 persons, almost every one of whom was young and strong. He was opposed to the clause, because its spirit was transparent, the draftsman who, no doubt, had drawn the provision according to his instructions, having been unable to conceal it. He was opposed to the clause and in favour of the Amendment of the noble Lord, the object of which was to aid spontaneous emigration. According to the clause the Commissioners would have no power whatever to hear the application of a family or an individual desiring to emigrate; but they would be brought into contact with a person whose name stunk in the nostrils of every Irishman—namely, the “undertaker” of the emigration movement. These “undertakers” were the persons who had authority to contract,

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on behalf of Canada and other Colonies, for the supply of emigrants. The Bill said the Commission might

"Enter into agreements with any person or body of persons having authority to contract on behalf of the Dominion of Canada, or any province thereof, or on behalf of any British Colony or Dependency," &c.

He would, therefore, urge the Government, in order to render these undertakers unnecessary, to accept a proposal enabling the Commissioners to hear applications from poor persons. He would propose that the noble Lord should omit the words "persons or," leaving his Amendment to stand thus—"application being made by poor families desiring to emigrate." [Mr. GLADSTONE: Hear, hear!] He was glad to hear the Premier cheer that suggestion. This would give to the Land Commission power to receive and consider the applications of whole families, and in future the emigration schemes might not denude the country of its youth and strength, leaving behind the weak and decrepid.

THE CHAIRMAN: Do I understand the hon. Member to move an Amendment?

Mr. CALLAN: I understand that the noble Lord (Lord Randolph Churchill) moved the Amendment, and I spoke on that Amendment.

Mr. JESSE COLLINGS asked whether, if this Amendment were accepted, it would prevent the hon. Member for Armagh moving the Amendment at the bottom of the next page, which would meet the wishes of hon. Gentlemen opposite, and seemed to be in the direction in which the Government wished to go?

Mr. MAC IVER pointed out that the alternative proposal suggested a pauper emigration, and for that reason he wished to support the original Amendment. They must remember that neither the United States nor Canada would have anything to say to a pauper emigration. Every shipowner knew very well that if he took out to America persons incapable of earning their own living, he would have to bring them back again.

MAJOR O'BEIRNE wished to know whether he was to understand from the right hon. Gentleman that the Government intended to accept the Amendment further on with reference to specifying particular districts?

Mr. GLADSTONE: That is a matter for consideration.

Mr. O'SHAUGHNESSY said, he hoped the hon. Member for Wexford (Mr. Healy) would stand by his Amendment, because it would make it certain that the Government would see that the people wanted emigration, and would avoid doing anything to stimulate those feelings of discontent which emigration proposed through Government means would undoubtedly produce in Ireland. It was complained that this would lead to collective emigration, but it would not do anything of the kind. The very words of the Amendment precluded the idea of the Commissioners promoting anything like collective emigration. Some of his hon. Friends objected to the Amendment; but would they bear this in mind—that what was to be feared, and what the Conservative Members desired, was that the landlords might have the power, if they desired to use it, of suggesting and compelling emigration? This Amendment would put the law between the landlords and the people who desired emigration, because it would require the Commissioners to listen to the people and not to the landlords, and to see that it was the people, and not the landlords, who desired the emigration to take place. If anything could reconcile him to the adoption of the system recommended by the clause, it was the insertion of words which would assure them that the clause would work side by side with the will of the people. The noble Lord the Member for Woodstock (Lord Randolph Churchill) objected to the insertion of the words "sufficient number." As he (Mr. O'Shaughnessy) understood it, the noble Lord felt this—that unless a pretty large emigration was likely to take place from a certain district, it might be held that there was not a "sufficient number" according to the sense of the Act. He did not think they need fear this, because if the people seeking to emigrate were numerous enough, even if they were only one or two families, they could join in a general scheme of emigration, and it would not be necessary that there should be anything like a large or aggregate emigration from any particular place. It was feared that it might be possible to emigrate people from such places as the county of Meath, where there was a paucity of hands; but this must be borne in mind—that where there was a paucity of hands

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the people, as a general rule, would not desire to emigrate. Wherever the people desired to emigrate, the Committee might rest assured that they would have good cause for it. Hon. Members must look at the ordinary rules of human action in these matters. As for the suggestion that there should be forms prepared which persons desiring to emigrate should sign, he considered that such a plan would only facilitate the object of these "undertakers" of emigration schemes. The "undertakers" would go round getting, as many names as they could, in order to submit them to the Commissioners, and thus the very evil which the noble Lord dreaded would be created. The noble Lord said that that could be done under the plan of the hon. Member for Wexford; but they must remember that that scheme threw directly on the Commissioners the duty of seeing that a desire existed for emigration. If they had a formal application set up, that formal application would be the standard—it would be the letter and not the spirit of the application which would guide the Commissioners.

MR. BIGGAR said, he was convinced that the Amendment was in the right direction, and for the reason that it had a tendency to curtail the vicious nature of the clause by mitigating some of the evils against which the Irish Members contended. The whole policy of the Government was to turn out and clear away the peasant population, and to consolidate the farms. Reference had been made to the county of Meath. Well, in that county the wholesale system of emigration which it was now sought to establish had, to some extent, been carried out already. After the Famine of 1847, the landlords thought it would be more profitable to feed cattle on their lands than to keep a population of tenant farmers. They cleared the best land in Meath of its population; and that was the intention of the framers of this Bill in regard to the whole of Ireland. But the Amendment of the hon. Member for Wexford, as he had said, would have a tendency to limit the vicious operation of the Bill, because, as he understood it, it would provide that emigration should take place under the measure only where the parties had made application in sufficient numbers to make it worth while to effect a whole-

sale clearance. But that did not fully fulfil the condition which they would like to adopt—namely, that the parties should be absolutely free agents. They knew that in these Colonies nothing was more popular with the Government of the day than for them to borrow money in large sums to spend on railways, which never paid their working expenses, to encourage emigration, and to make a great show for the glorification of the Ministry. Ministries in the Colonies were very short lived affairs. The Colony of New Zealand had been steeped in debt by an ambitious Ministry through works of this kind. The Colonies might be able to give the English Treasury good security; but if they did, it would be a great evil to the Colony, and the Land Commission would be taught to hold out inducements to people to emigrate, which would, in the end, be found to have been based upon a thoroughly erroneous idea. The emigration agents held out the rosiest promises, which were rarely, if ever, fulfilled. In the last Parliament there was a Gentleman, who used to sit not very far from the position which he (Mr. Biggar) was now occupying, who represented the Dominion of Canada, and who had a number of sub-agents under him, who used to use their exertions to get as many people to go to Canada as possible. The unfortunate people of Ireland would be liable to be misled by the false statements of such sub-agents. Statements would be made which they would believe; and they would be trapped into signing declarations that they wished to emigrate; and thus the evil which it was desirable to guard against would be brought about. He thought it desirable that every limit should be put to the operation of this particular clause.

COLONEL STANLEY: As a point of Order, it seems to me very inconvenient that hon. Members should accumulate Amendments upon Amendments in this way. We have had from the Government—from the mouth of the Prime Minister himself—the clear declaration that in principle he is not opposed to the Amendment of the hon. Member for Wexford (Mr. Healy). Surely, then, the principle having been conceded, it places us in a position hardly becoming to men of business to discuss whether certain words should be inserted and

*Mr. O'Shaughnessy*

certain words left out. Such a course turns the House away from its proper function of criticism—in which the House is known to excel—and imposes upon it the function of draftsman, in which it has never been particularly distinguished. The Government wish to adopt words which, in their opinion, embrace the whole of this question; and many hon. Members wish to adopt other words. Well, if we were all to take our 650 different readings of the clause, and views as to how it would best read, and were to embody those views in Amendments, we should land ourselves in a position which would be one of simple folly. I must take exception to what fell from the hon. and learned Member for Limerick (Mr. O'Shaughnessy) just now, when he said that there was every anxiety on the part of the landlords of Ireland, and I think he said especially of the Conservative landlords, to unduly stimulate or force on emigration. That I do not believe for one moment to be the case; and I would venture, even from my partial knowledge of the matter, to give the statement the strongest possible denial. What is the present position of affairs? Great advantages have been given to the tenants—advantages they have never enjoyed before—for continuing in their holdings. I do not think it has been said that these holdings shall be below a certain size, and it follows from that that many of them will be consolidated. ["No, no!"] Men cannot exist on very small holdings. They will have to be consolidated, and if the stronger tenants are to remain, it follows that the Government are only doing their duty in endeavouring to help those who, from various circumstances, may be anxious to try their fortunes elsewhere, to emigrate; and, I am bound to say, that they are endeavouring to assist tenants to emigrate in a manner which will be as little harmful to them as possible, and with every consideration for their feelings. I understand it is not the desire of the Government to check sporadic emigration, and that it is their desire to assist, as far as possible, the emigration of families and persons in particular districts, so as to avoid the severance of family ties, which has been so painful a feature in the past, and to mitigate, as far as possible, the evils which some persons believe to arise from emigration. I

would therefore point out to the Committee that it is impossible for them to find words which will exactly suit the taste of every hon. Member, and appeal to the noble Lord the Member for Woodstock (Lord Randolph Churchill) not to indulge in mere verbal criticism, but to withdraw his Amendment on the understanding that any verbal alteration that may be thought necessary will be made on Report.

LORD RANDOLPH CHURCHILL said, that during the progress of the Bill he had frequently looked along the Front Opposition Bench, and had always failed to see the right hon. and gallant Member who had just sat down in his place. The right hon. and gallant Gentleman now sauntered into the House in the middle of debate, and suggested that an Amendment that he (Lord Randolph Churchill) had proposed was merely one of verbal criticism. If the right hon. and gallant Member had been in the House when the Amendment was proposed, had heard what had been said, and had given as much attention to the details of the measure as many hon. Members, he would have seen that the proposal involved an entirely different mode of procedure to that of the hon. Member for Wexford. He, however, begged leave to withdraw his Amendment.

Amendment to the proposed Amendment, by leave, *withdrawn*.

MR. HEALY said, he did not like to take any part in the framing of this bad clause—it was even against his inclination to propose Amendments to it. He merely brought forward his proposal as an alternative. It would have this advantage—that it would restrict the power of the Commissioners, would prevent sporadic emigration, and be a check to the agents and speculators in emigration.

MR. VILLIERS STUART said, he hoped hon. Members opposite would not hastily render ineffective this well-meant proposal of the Government. No one could feel more deep regret than he did at seeing a single Irishman compelled to leave his native country by stress of circumstances, and he should be the last man to support any scheme of emigration, or assist emigration, if he thought there was any other way out of the difficulty. But he could not conceal from himself that they must face circumstances as they were. He, of course,

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felt that in the case of every country its population ought to be its wealth, and that where that was not the case it must be owing to misgovernment. Abundant population meant cheap labour, and cheap labour ought to mean successful manufacture. He felt that the reason why Ireland had not been successful in manufacture was that, through the jealousy of England, Irish manufactures had been strangled and destroyed. But it was of no use to go back to the past, and to cry over spilt milk. There was in Ireland a state of things which condemned a large number of Irishmen to starvation, and the only immediate remedy was either migration or emigration. Why should they not try both? Migration must be slow in its operation, for uninhabited districts could not be rapidly prepared for the reception of a population, and whilst the grass grew the steed starved. They might be sure that emigration would go on in any case, but with this difference—that if the Government proposal were not accepted, it would be the flower of the population that would emigrate. The strongest and most able-bodied would emigrate, leaving the feeble and the sickly behind. The effect of the Government proposal would be to enable their families to accompany the able-bodied out of the country instead of remaining behind a burden on the rate-payers—

THE CHAIRMAN: I would remind the hon. Member that it is the Amendment we are on, not the general subject.

MR. T. P. O'CONNOR said, he had not yet spoken on the subject of the Amendment, as he had desired to hear all the arguments which could be used for and against the proposal, and to have his mind clear on the subject. The proposal of the hon. Member for Wexford he believed to be one of the most dangerous with which they had yet had to deal, because it practically—though he was sure it was not the hon. Member's intention—admitted the principle of the clause. His hon. Friend, in trying to amend the clause, not intentionally, but impliedly admitted its principle, or, at least, helped it on. He (Mr. T. P. O'Connor) wished it to be understood that he was opposed entirely and completely, not only to the Amendment of his hon. Friend, but to the proposal which he sought to amend. He had listened with great patience to some

speeches which had been made. It was said that they did not wish to assist sporadic emigration, but collective emigration—that was to say, that they did not wish to take the flower of the population, but the old with the young. Did anyone in his senses think that Canada wanted the old fathers and the grandfathers of families? They said, according to the clause, and according to the Amendment, that what they wanted was that not merely the young and strong in a family, but the whole family should emigrate. The clause did not proceed on the principle of benevolence; because, according to it, they would not be expending, but lending money. It was loans they were giving, not grants; and if they granted loans it was with the expectation of having the money repaid to them. The money could only be repaid if the speculations were profitable, and how could it be a profitable speculation to take to Canada old, decrepid, half-starved farmers incapable of earning a living? So far as their proposal was meant to deal with the old and infirm, it would result in defeating their own intention, or it would not work at all. He had heard about there being a great amount of congestion in some districts in Ireland; and the hon. Member for Waterford (Mr. Villiers Stuart) had suggested two remedies. He had said—“You have emigration and migration, why cannot the two work together?” This was a question which he had answered at least a dozen times in the course of this discussion. Emigration and migration could not work side by side. One was absolutely destructive of the other. If they permitted emigration, they might as well say farewell to migration. Who would assist reclamation for purposes of migration, when they had a simple means of getting rid of the people by emigration? He was sorry they had had the Amendment before the Committee at all, and thought it would have been much better for them to have stopped at the line of general and complete hostility to the proposal of the Government.

MR. BELLINGHAM said, he hoped the hon. Member for Wexford (Mr. Healy) would not withdraw the Amendment, which appeared to him one that was most excellent, and which he should have to support if it were taken to a division. His (Mr. Bellingham's) prin-

*Mr. Villiers Stuart*

epical object in rising was to answer a few observations which had fallen from the hon. and learned Member for Limerick (Mr. O'Shaughnessy). The hon. Member had said that the Conservatives—and he supposed that he meant Irish Conservatives—were in favour of emigration. Well, all the Conservatives that he (Mr. Bellingham) knew were against emigration, whilst all the Liberals of his acquaintance were in favour of it. A well-known Conservative (Mr. Fitzgibbon) a Master in Chancery in 1869, had written a pamphlet on this question, and in it he declared that the productive capabilities of the soil in Ireland might be increased ten-fold, that Ireland did not suffer from over-population, and that the cause of the backward condition of the country was the absence of security of tenure. Mr. Fitzgibbon said that if they once convinced the cultivators of the soil that the fruits of their labour would be their own, they would not desire to go to foreign countries for blessings they could enjoy at home. After that, it was ridiculous to say that Conservatives were in favour of emigration.

MR. LEAMY said, this proposal of the Government would be a very fair and reasonable one, provided the powers to be given to the Land Commission would not be exercised for, say, 12 months after the Bill had been in operation, and they had had an opportunity of seeing whether or not the tenant could obtain sufficient security. The great objection he had to the Amendment was that the unfortunate people at present might have that desire to emigrate which came from insecurity of tenure. Moreover, in the event of arrears of rent being due to the landlord, they declared that the Land Commission should have power to say what the rent should be, and the landlord should have power to say whether or not he would agree to a compromise, and, if he did not, that the Commission should be able to say to the tenant—"We can do nothing for you, you must go; but, if you like, we will pay your passage to America." If the Government believed in their Bill, they would prevent the Land Commission from having this power for at least 12 months after the Act came into operation.

MR. DAWSON said, he agreed with the hon. Member for the City of Galway

(Mr. T. P. O'Connor) that impliedly in the Amendment countenance was given to the project of emigration from Ireland. No doubt, the hon. Member had been actuated by this idea, that if the clause were to remain it should be as harmless as possible to the people of Ireland. He gave the hon. Member credit for that sagacious view of the matter; and, though he agreed with the hon. Member for the City of Galway, if the Amendment were pressed to a division he should vote for it. If there was a sufficient inducement to them to bring their energies into practice, all the emigration undertakers and speculators, and all those who were ever ready to project schemes for the depopulation of Ireland, would at once be up and eager for the fray. However, the Commission would be amenable to this House, and it would assuredly be visited with the condemnation of Parliament and the country if it in the slightest degree assisted these undertakers and speculators. At the proper time—and he had consulted the Chairman as to when would be the proper time—he should move a new clause, which would entirely obviate the necessity of this provision of the Government. His was a proposal for migration.

MR. BIGGAR said, he did not know whether they would have a division on the Amendment; but some hon. Members were decidedly opposed to it. As far as he was concerned he would recommend his hon. Friends to accept no favours from the Government. The Government had agreed, as a favour, to accept the Amendment of the hon. Member for Wexford, and thus it was held by some that they had entered into a sort of partnership with the Government in the clause, and would not oppose it when the proper time came. He must confess that he did not fully agree with that view of the question. Though the Government might agree to an Amendment moved by one of the Irish Party to curtail the operation of the clause, that Party would, nevertheless, when all the Amendments and alterations were admitted in it, be able to oppose it on its merits if they thought fit. The hon. Member for Louth (Mr. Bellingham) had read a quotation from a pamphlet by a Conservative gentleman, giving an opinion with regard to emigration. He was glad to see that, at least, some Conservatives were opposed to the principle

advocated by the Government and by so many Conservative Members of Parliament. Both Parties in the House should have their eyes opened to the fact that the population of Ireland was much too small at present, and, instead of offering facilities for lowering it, they should give their attention to increasing it. The Irish Members held that it would be desirable to increase the small holdings in size; and that was a very different thing from contending that the occupiers of these small plots should be turned out and left to the tender mercies of the emigration speculators of Colonial Governments. Furthermore, he held that the occupiers of these small holdings must be, on the whole, the judges of their own interests, and, if it suited their purpose to remain in occupation, he did not see why the Committee should agree to a proposition to force them to emigrate.

*Amendment agreed to.*

MR. DAWSON: Is it competent, now, for me to move the clause I indicated to the Committee?

THE CHAIRMAN: All new clauses must be moved at the end of the clauses.

MR. DAWSON: Can I not move this as an addition?

THE CHAIRMAN: It will come in at the end of the clauses, and there are a great many Amendments before the end of the clauses.

MR. CALLAN: Would it be in Order to move at the end of the words the Committee have adopted the words "or migrate?"

THE CHAIRMAN: No; that would be outside the whole scope and meaning of the clause.

MR. CALLAN said, he wished to submit, as a point of Order, that though they had only accepted the word "emigrate," there had been no limitation agreed upon; and that, therefore, the words "or migrate," which would only enlarge the clause, could be accepted.

MR. BIGGAR said, that before the Chairman gave his decision on the point of Order, he should like to point out what was the object of the Bill.

THE CHAIRMAN: That is not the question in the point of Order raised. It is my duty, as Chairman, to ascertain the whole scope of a clause and to find out whether Amendments are in agreement with that scope or not. For in-

stance, there is an Amendment further on to include the word "England." That is not admissible as within the scope of the Bill, this clause being confined to emigration.

MR. DAWSON: I will bring on my Amendment later on in the form of a new clause.

MR. T. P. O'CONNOR: Should I not be in Order in moving to add the words "such district being one scheduled in the Relief of Distress Act, 1880?"

THE CHAIRMAN: So far as I can see, that Amendment would be in Order.

MR. HEALY: Might I ask if that would shut out a question lower down, on the word "Ireland?"

THE CHAIRMAN: I cannot say anything with regard to Amendments that are to follow, as I have not considered them in this connection.

MR. T. P. O'CONNOR: Then I rise to propose these words—

At this point the CHAIRMAN left the Chair:—Upon resuming the Chair,

MR. BIGGAR asked the Chairman whether, as a question of procedure, after his usual retirement for a short time, it would not be convenient for him to have the Division bell rung?

THE CHAIRMAN: The hon. Member is not in Order in his remarks.

MR. BIGGAR thereupon moved that Progress be reported, and explained that he did not wish to make any imputation on the Chairman; but he had been from time to time misunderstood in regard to the practice he had pursued of moving that the House be counted on occasions similar to this, where there was scarcely any Members present.

THE CHAIRMAN: The hon. Gentleman is referring to the procedure of the Committee, which is not the Question before the Committee. He is entirely out of Order in raising such questions on a Motion to report Progress.

MR. BIGGAR said, he would not pursue the matter; but he moved to report Progress, because the Front Benches were empty, and there were very few Irish Members present.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Biggar.)*

MR. O'SULLIVAN observed, that he regarded with great regret these obstacles

*Mr. Biggar*

being placed in the way of this Bill. Such a proceeding as this might bring some hon. Members into notoriety; but the people who sent them there had some hope from this Bill.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. O'SULLIVAN, resuming, said, he regretted the Motion to report Progress at so early an hour. This Bill, if passed, would be the means of saving thousands of people who had been thrown out on the roadside. He could well understand the landlord party opposing this Bill, but he could not understand why any Irish Member should throw any obstacle in its way. He had seen with pain during the last week or fortnight that many obstacles had been thrown in the way of the Bill by those who ought to be the first to help it on; and, much as he should regret to disagree with any of his hon. Friends, he could not stand quietly by any longer and see the Bill delayed in this way. The Bill did not come up to the wants of the Irish people in every respect, but there were some good things in it. Ever since he was a boy the tenants had feared, first the rack-renter, and then the exterminator; but this Bill would put an end for ever to both, and he trusted his hon. Friend would withdraw his Motion, so that the discussion might be continued without further interruption.

Mr. FINIGAN said, he thought the reasons which the hon. Member (Mr. O'Sullivan) had advanced in favour of the clause under consideration were reasons which ought rather to go against it. The object of the Bill was to save tenants from eviction, and if it prevented unjust rents and processes of law this clause was not wanted in any way.

THE CHAIRMAN: The hon. Gentleman is discussing the merits of the Bill, but the Question before the Committee is the question of reporting Progress.

Mr. BIGGAR observed, that the hon. and learned Member for Limerick had expended a good deal of virtuous indignation, and had gained great applause; but when the Chairman resumed the Chair, the House was almost empty, and both the Front Benches were unoccupied. He did not feel disposed to talk to empty Benches, and he had moved to report Progress in order to

give hon. Members an opportunity of returning to the Committee to discuss this Amendment. That was his sole reason; but he would now withdraw his Motion.

Motion, by leave, *withdrawn*.

Mr. GIVAN said, he wished to move an Amendment, which he thought of considerable importance, because the Premier had stated that the object of the clause was not to promote the wholesale emigration of the Irish people, and not to promote the emigration of the people who were likely to be most useful to the country. But now that the Government had accepted the Amendment of the hon. Member for Wexford (Mr. Healy), he would suggest that, after the Amendment of the hon. Member, these words should be inserted—

"And that such persons shall be accompanied by their wives and children, and other relatives whom the Boards of Guardians shall certify to be dependent upon them."

It was important that persons who emigrated should not leave behind them others who would be chargeable on the Union, and these might be not only a wife and family of an emigrant, but his father and mother, or uncle or aunt, or other relatives. He did not wish to carry his proposal too far; but he thought it important that the Boards of Guardians should decide such a question, and he hoped the Prime Minister would accept the Amendment, or something like it.

THE CHAIRMAN: I must point out that it is quite impossible to put this Amendment, because it will not read in the clause.

Mr. BIGGAR proposed an Amendment which would raise the same question. He would not discuss the general policy of emigration; but the Government had made no distinct statement as to how it was proposed to deal with the people who were to be called upon to emigrate.

THE CHAIRMAN: The hon. Member's Amendment is equally unreadable with the last, and it is impossible to put it. It is out of Order in the form in which it is now, and I cannot put it.

Mr. BIGGAR said, he could not see how his Amendment was out of Order, and wished to ask in what sense it was out of Order?

Mr. GLADSTONE: The hon. Member has no right to ask the Chairman for

the reasons why he rules him out of Order. He has no right to interrogate the Chairman, a course which is now repeated 50 times a-day.

THE CHAIRMAN: If the hon. Gentleman persists upon this point, I shall consider it an interference with the Chair.

MR. BIGGAR said, he did not wish to question the Chairman's ruling; but would he be justified in proposing to insert "regarding the best means of promoting emigration," omitting the rest of his Amendment?

THE CHAIRMAN: I think that would be in Order.

MR. BIGGAR begged to apologize for any seeming incivility or improper conduct—

LORD RANDOLPH CHURCHILL said, he was sorry to interrupt the hon. Member; but his Amendment would not make English at all. The Commission could not enter into agreements regarding the best means of promoting emigration. They could enter into an agreement as to a particular plan, but not regarding the best means.

THE CHAIRMAN: The Amendment to "enter into agreements regarding the best means of promoting emigration" is nonsense with regard to this clause.

MR. BIGGAR said, the clause gave authority to the Commissioners to enter into arrangements with certain parties with regard to emigration, and he thought it would be perfectly competent for them to say on what terms the proposed arrangements should be made; to ask the parties where they were going to take the emigrants, on what kind of vessel, and other questions. He submitted that he was perfectly in Order in his Amendment.

THE CHAIRMAN: I have explained to the hon. Member that the Amendment is not sense, and I cannot put it.

LORD RANDOLPH CHURCHILL said, he hoped he might not get before the Committee the Amendment he brought out last night, but in which he was interrupted, and that the Amendment would not draw upon him another lecture from the right hon. Gentleman the Member for Lancashire. He proposed to leave out the words—

"Any person or body of persons having authority to contract on behalf of the dominion of Canada, or of any province thereof, or on behalf of any British colony or dependency,

or any state or other district in such dominion, province, colony, or dependency on behalf of any public company or other public body with whose constitution and security the land commission may be satisfied."

Of course, the clause as it now stood, after taking the Amendment of the hon. Member for Wexford (Mr. Healy), appeared to have a greater probability of some action arising out of it than before; but the effect of these words which he proposed to leave out was to place the Land Commission in the position of a great emigration agent. He could conceive nothing more unfortunate, both as regarded the Commission and as regarded the Irish Government, than to put duties of this kind on the Commission, because its first duty was to be a judicial body to decide questions of law and fact between the parties. Now, it was proposed to make it an executive and administrative body. But what was wanted principally with that Land Commission was that it should be a body enjoying the confidence of the Irish people, and he could not conceive anything more likely to destroy any confidence the Irish people might be disposed to repose in the Commission than to make the Land Commission a great emigration agent contracting with parties over all parts of the world for the emigration of the Irish people. Now, he proposed to bring in here a body which had hitherto been uniformly selected by Parliament for the promotion of emigration from Ireland, and that was Boards of Guardians; and he had pointed out last night that four times had this subject come before Parliament. In 1838, 1843, 1847, and 1849, Parliament refused to go beyond giving powers to the Boards of Guardians to assist emigration. It refused to take a step which the Government invited the House to take now—to bring the Government in direct contact with emigration. If there was one thing wanted in emigration more than another it was that it should be the result of local effort guided by local knowledge. That he looked upon as essential; and he wanted to know how the Commission, with any persons such as were described in this clause, could possess that local knowledge so essential to successful emigration? But if Parliament brought in the Boards of Guardians, they would have bodies in whom the Irish people, as a rule, had confidence, because they were

*Mr. Gladstone*

to a great extent elected bodies. And it would command the co-operation of the Catholic clergy. The powers of the Boards of Guardians were already very great. They could charge the rates with money for the emigration of paupers who had been three months in the workhouse; they could charge the rates for the emigration of poor persons who had not been in the workhouse; they could charge the rates for the purpose of emigrating holders under £5, on the condition that the landlord provided two-thirds and surrendered all claims for rent. But by the last Act their powers were extremely wide. By the Act of 1849 they could, with the consent of the Poor Law Commissioners, apply any money they had in hand from the rates of any electoral division; or they could borrow from the Exchequer Bill Loan Commissioners, or from private persons, money to be spent in emigrating persons who were simply limited to the description of poor persons, absolutely distinct from paupers. And they could absolutely, in this Act of 1849, emigrate these persons, not only to British Colonies, but to any part of the world. Parliament might enter a limitation as to where the Guardians might assist people to be emigrated. He wished to point out what he considered of such importance—that there should be local authority. There had been enormous emigration from Ireland since the Famine, and that had planted in America and into British Colonies immense numbers of persons from Ireland; and when a person emigrated, the chances were he wished to emigrate to a neighbourhood or locality where he had relatives, and the relatives in America, Canada, or British Colonies would constantly send home the money to bring out to them those whom they had left behind. He would also point out that the reason why these Acts had not operated so fully as they might was that there was too great a limit on the power of raising money. In the first place, it was necessary the rates should be charged on the electoral division, which was too small an area for any purposes of emigration; and, in the next place, the Guardians had to pay back the instalments under seven years. He thought that was a very short period, and he was not surprised that Boards of Guardians had not been too ready to contract loans to be repaid in

so short a time. But, while leaving these Acts as they were, he wanted to ask the Government why they abandoned a line which Parliament had four times refused to abandon—namely, to leave this emigration in the hands of local bodies; why they were now, for the first time, proposing that the Commission should personally direct and stimulate emigration? Surely, the Government were not so popular at the present moment that they could afford to run the risk of so unpopular a step? Surely, they did not command that unlimited and unbounded confidence in Ireland which they enjoyed in England? And he could not conceive anything likely to be more disastrous to the Government in Ireland than that it should be connected, except indirectly, to advance money, with the emigration of Irish people. Then, if this Bill were passed, both landlords and tenants would stand on their rights. If tenants who were in arrears went into Court to get statutory terms, the landlords would force them to pay, and then there would be a great demand for emigration, and Boards of Guardians were the proper people to deal with such cases. The Land Commission ought not to be connected with any extensive deportation of the Irish people. The Prime Minister had said he would not favour any scheme which contemplated the conduct of emigration by the Commission; but the Chief Secretary had an Amendment for securing the satisfactory transhipment. How could there be greater detail of management than this? It was taking entire responsibility, and, if the Commission were to fulfil all such duties as that, nothing could be more disastrous. The Prime Minister had said distinctly that the object of the Bill was to stimulate collective emigration; but he objected altogether to that, because, if those words were taken with the words “a sufficient number,” which had just been passed, they would mean nothing but clearing a whole district. That was the emigration the Prime Minister wished; but it was not the emigration he wished to see. He should prefer what he should call selected emigration by the Boards of Guardians. That would not in the least involve a pauper emigration, but the emigration of persons who held holdings of £4 or £5 value or under. The Chairman of the

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Board of Guardians of one of the poorest districts in Ireland told him last year that such people had been utterly unable to exist in bad seasons, and they had no means of emigrating. Those were the persons who ought to be assisted—the squatters and very small holders, and not the farmers. He did not suppose the Prime Minister would accept his Amendment; but it had given him the opportunity of placing on record his distrust of the proposal of the Government, his alarm at the consequences which it might cause to the Government in Ireland, and his protest against collective emigration, which meant the wholesale clearance of districts in Ireland.

*Amendment proposed,*

In page 18, line 13, to leave out after the word "with," to the word "for," in line 19, in order to insert the words "boards of guardians, or with any persons for the time being authorised to act as guardians of any union,"—  
(*Lord Randolph Churchill*),

—instead thereof.

*Question proposed, "That the words 'any person or body of persons having authority' stand part of the Clause."*

SIR HERVEY BRUCE said, he regarded the clause as a most useful provision for Ireland at the present time; but if Ireland were now a virgin soil ready to be ploughed up, and capable of yielding unlimited produce, he had no doubt that migration would be much more acceptable to the people than emigration. Being, however, satisfied that the power of reclamation was much exaggerated, and that there was not sufficient land in Ireland which could be used beneficially, he felt that reclamation and migration would not be of much use to the people. There were several impediments in the way. First of all, the nature and amount of the land; next, the difficulty of getting the land there was to be reclaimed—for this Bill would make it more difficult to get land every day, and the Commissioners, or whoever might intend to reclaim, would have to buy twice over—namely, from the landlord and from the tenant. The proposal of the noble Lord he looked upon with considerable alarm, for he believed it would do a great deal of harm. There were many Boards of Guardians who entered into long discussions on vexed political questions; and he feared the noble Lord's proposal

*Lord Randolph Churchill*

would turn the Boards of Guardians into debating bodies on political questions, and so the poor people would be left out in the cold. He did not regard the preference given to Canada as of much importance; but he would make a suggestion as to other Colonies. It was urged by some that the Government ought to give money for emigration to our Colonies, or any other parts of the world; but, in his view, that would be a great mistake in political economy. It was one thing to send people to our own Colonies, but quite another to send them to enrich other parts of the world. If it were thought necessary to send emigrants to the United States, the Government might send them there individually; but if we were to have a system of emigration of families which would be useful, it ought only to extend to our own Colonies. He was utterly adverse to the emigration of the labouring classes, and he thought the emigration of those people now going on was very disastrous to Ireland. The bone and the sinew, the young men and the young women, were leaving Ireland, while the old and the crippled remained behind; and he hoped the Bill would not give facilities to the labouring people to emigrate. The people to emigrate were the very small farmers. Their emigration would be beneficial to the country; they would take with them a happy recollection of the Mother Country, if they were sent in families at the expense of the State, and by them there would be implanted in the Colonies a love of the Mother Country among those who preceded them. He and others on that side of the House, although the Bill was against their interests, desired the Bill to pass and become law; and he did hope that the Government would persevere with this clause and not give facilities to the bone and sinew of Ireland to leave their country, but would give large and generous facilities to the small farmers to go from where they were in misery and distress to places where they could live more happily.

MR. W. E. FORSTER: The object of the noble Lord the Member for Woodstock (*Lord Randolph Churchill*) is to confine this clause to assistance by Boards of Guardians; but, from experience, I believe that foreign countries do not look with as favourable an eye on emigrants coming by the help of Guardians as on those coming by help from other sources.

That kind of emigration will not meet our object, which is to relieve the great pressure upon land, and on employment in some parts of the most crowded districts. But does any hon. Member suppose that by merely helping a Board of Guardians—for instance, in the most over-populated districts in Mayo—we should be likely to relieve that pressure? I will not allude to Boards of Guardians bringing politics into discussion, for that is not the ground of my objection. My objection is that Boards of Guardians are locally interested in this question. If it is desirable to have cheap labour, a man who has a small holding and cannot live on it, is necessarily a cheap labourer, and that is a matter which must occupy the attention of the Guardians, either on one side or the other. With our popular system of electing Guardians, it is possible the people who wanted help would elect the Guardians; but it is also very possible that the employers of labour, the farmers or landlords, may be the most active persons in the Boards of Guardians, and I do not think they are the people to decide this question. I think it is perfectly right that we should require that the Commission, being an impartial and outside body, should be convinced that there is a desire for emigration; but it is another thing to go further, and put the matter to public vote, not only as to whether the people wish to emigrate, but also as to whether they are willing to incur debts for emigration. That seems to me to put it out of the question that we should make Boards of Guardians the sole means of communication. The noble Lord said some remarks of the Prime Minister were inconsistent with the Amendment I have brought forward. He said the Prime Minister stated that we did not propose that the Commission should be the body to conduct emigration. Conducting emigration and controlling emigration are perfectly different things, and we do not propose that the Commission itself shall conduct emigration; but it is perfectly right, and we are willing to put in words to secure, that the Commission and Treasury should take care to control emigration, and one of the means of doing this is that there should be some arrangements by which emigrants can be taken out in proper ships, that due regard

should be paid to their health during the voyage, and that they should not be merely landed on the seaboard, but cared for until such time as they can get to their destination. I do not think the Government would be justified in lending money unless they get an assurance that these things would be done, and could see their way to their being done. I think, therefore, that the charge of inconsistency between the statement of the Prime Minister and my Amendment is fully disposed of. Despite what the noble Lord says, we have no intention whatever of "clearing" any districts; but for the time being we wish to relieve the pressure upon land, and upon employment in certain districts, and to provide that those who remain or who are not "cleared" shall be in a happy position. This coming to Parliament for any sort of assistance for emigration is merely done under the pressure of the present circumstances. We look forward as little as any man in this House to emigration as a final cure for the state of affairs in Ireland. I believe Ireland is under-peopled; but I believe equally that the Bill under discussion—and I am pleased to find it so much more approved of by the hon. Member for the City of Cork (Mr. Parnell) and his Friends than it was when it was introduced—will bring about a new era in Ireland, and that we shall find that Ireland will support a much larger population. Of course, remedial measures do not change the face of a country in a day, and we have to deal with great calamities and miseries at the present moment. It would almost seem as if hon. Members below the opposite Gangway, who are supposed to be opposed to the Bill, really believe it will do more immediate good than we ourselves think it will do. There are many small farmers in some of the districts of Ireland, whose heads no change whatever in their relations with their landlords would put above water. I do not believe there will not be a change that will benefit the position of the small farmers generally. I think this Bill will considerably improve their position; but it must be remembered that there are some tenants who could not live upon their holdings, even if they held their farms rent free. Now, we have these people to deal with, and the noble Lord says—"Deal with them through the Board of Guardians

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in the district." We do not feel that that is a satisfactory suggestion; we do not think that we could get a Board of Guardians to pick out those people who wish to emigrate, and who are most fitted for emigration. We look forward to some of these people being benefited by employment, and by the occupation of land elsewhere, and we have provided for this in our measure. This clause is opposed as if emigration was a new thing in Ireland. You may go all through the country, and you will hardly find a single village in which some of the people have not friends or relations abroad. When I visited, a short time ago, the districts which were most visited by the Famine in 1848, I found there was scarcely a man who had not got a friend in the United States; in one or two cases, the emigrants had gone to one or other of our own Colonies. Emigration is beset with great physical dangers, and still more with moral dangers. We do not pretend to be able to destroy them; but we think there would be an advantage if there could be some arrangement with any foreign or Colonial Government, or any Company—and it would have to be a very respectable and influential Company before the Treasury or the Government would venture to support it—by which these dangers would be guarded against as much as possible. Hon. Gentlemen have great suspicion of the Treasury, no matter what Government is in power; but this would be a matter for public opinion, and public opinion would very strongly condemn any assistance the Government might give to a speculative Company or a Company which wished to trade on the misery of these poor people. Arrangements may be made by which, instead of picking out the young men or the young women, you may send out a family, and every regulation can be made for their comfort. I am sure I look forward, if there is any organized system of emigration, to some of the bodies of emigrants being accompanied even by Catholic priests. [Mr. HEALY: Yes; Father Sheehy.] Why is it that there is this opposition to our proposal? What is there in what we are proposing to do that can do anybody any harm? You say that this is a scheme by which we want to depopulate Ireland. If we wish to do this, we have acted very clumsily, and we have

taken a very circuitous course to accomplish the object. Is there any other part of this Bill which has that object in view? If this Bill is to be any credit to the persons who have introduced it, it must result in making the Irish people more happy and contented, and in inducing more to remain in the country. Really, it is too unreasonable to contend that at the end of our measure the Government have introduced this clause with the object of depopulating Ireland, and of undoing all the good accomplished in the early part of the Bill. I doubt very much whether the people of Ireland wish this clause to be struck out of the Bill; in fact, I challenge any hon. Member to say that the persons really interested in this matter would prefer the plan for emigration to be struck out. I believe many of the Irish people will take advantage of the clause in order to join their friends in other countries. I do not say they desire to leave their country; but they would do so because there was a chance and hope of getting better off elsewhere.

Mr. J. N. RICHARDSON said, if the Government did not accept this Amendment, he hoped they would assent to, or themselves put in, some plain words which would satisfy the Committee that the emigration fund would get into the hands of the proper people. His fear was precisely that of the hon. Baronet opposite (Sir Hervey Bruce)—namely, that the bone and sinew might be taken from some districts where it was really needed, and where every man who went away would be a loss to the community; and that those who had better go would remain. What were the statistics of emigration? From Connaught there emigrated last year 20,519, and from Ulster 28,000. The only part of Ulster, so far as he was aware, where emigration funds were needed was Donegal; yet there were only 3,423 emigrants from that county. From Antrim, about the richest and best county in Ireland—certainly in the North of Ireland, for a portion of the large town of Belfast formed part of the county—there were 5,738 emigrants, or nearly double the number of emigrants from the poor county of Donegal. Unless some words were put in the clause, limiting the district to which or limiting the class of people to whom these funds were to be given, it might be found that from Antrim and other

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prosperous parts of Ireland, applications would be made for assistance which ought not to be granted. He certainly hoped the Government would introduce some words which would relieve the minds of the hon. Baronet (Sir Hervey Bruce) and himself on this matter.

Mr. GORST said, he would confine himself strictly to the Amendment of the noble Lord the Member for Woodstock (Lord Randolph Churchill), and would not be betrayed into the irregularity of making a general speech in reply to the general observations of the Chief Secretary for Ireland. The question immediately before the Committee was, whether, assuming that there was to be an emigration scheme, it would be better to intrust the management, or the outlay of money, to the local authorities in Ireland, or to the Government of Ireland itself? It seemed to him everything was in favour of the proposal made by the noble Lord. In the first place, it was a proposal in accordance with precedent. The right hon. Gentleman the Chief Secretary talked about having had experience of emigration schemes and about emigration having been successfully carried on in times past. True; but they were carried on under the management of local authorities. He did not think the Government could point to a single instance where the State or Treasury itself had controlled or managed a great scheme of national emigration. A local authority was the proper body to intrust with the management of emigration, because a local authority alone could successfully carry it out. Emigration was a distinct loss to the nation at large; it was an advantage only to the locality from which the emigrants went. The hon. Baronet (Sir Hervey Bruce) seemed favourable to some scheme of emigration which would send all the tenant farmers out of the country, and keep all the labourers in it. He (Mr. Gorst) did not know whether the Government were prepared to carry out that object; but, if they were, he did not believe they would succeed. The people who could be sent out of a country, with advantage to themselves, were extremely few, and if Parliament left emigration in the hands of a great State body in Dublin, it would be found that this body would become extremely unpopular. The Executive

Government could not judge who were the proper people to send and who ought to be left behind; and he was certain that if the Irish Government endeavoured to carry out an emigration scheme by means of a central authority, their unpopularity, which was now great, would be enormously increased. It seemed to him that if they were to be guided by precedence, by the experience of the past; if they were to proceed in the way which had hitherto been successful, it would be far better to give any assistance that was to be given in the manner indicated by the noble Lord.

Mr. A. MOORE said, he thought the Prime Minister must be deeply moved by the solicitude expressed by the Fourth Party for the reputation of his Government. In his opinion, a more disastrous proposition could not well be placed before the Committee. If emigration was intrusted to Boards of Guardians, those authorities would, of course, use the power to suit local requirements—that was to say, they would be inclined to emigrate the people who were now a burden on the rates. That was not the way in which this question ought to be looked at. What was wanted was a lightening of the congested districts, and it was just possible that the Boards of Guardians there might not be the best judges of their own wants and necessities. He did not see, moreover, how a Board of Guardians could provide for the proper shipment, transport, and residence of emigrants. The influence of a Board of Guardians was purely local; and how could it be expected that they would be able to exercise any influence with a great shipping company or with the authorities of New York? The Government would be capable of making the necessary and proper arrangements.

Mr. MULHOLLAND said, it was his wish that this clause should not be inoperative. It was a necessary supplement to the other clauses of the Bill, and upon its operation much of the success of the Bill must depend. The only satisfaction the landlords would experience for the sacrifices they were called upon to make would be the success of the Bill in pacifying Ireland, and in restoring prosperity to that country. There was no doubt it was advisable to relieve, by means of emigration, the congested districts of Ireland; but of all bodies to

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entrust the management of emigration to the Boards of Guardians were, perhaps, the least suitable. The first persons they would send out would be the paupers, so that the rates might be relieved. In the next place, unfortunately, the members of Boards of Guardians in some districts where emigration was most needed, were certainly not unconnected with political agitation; and the Committee had heard indirectly from hon. Gentlemen themselves that the chief objection to this clause had been based upon political reasons. Anything that would restore prosperity to the West of Ireland would make the people less willing to listen to those agitators who had, perhaps, been rather too much listened to hitherto. It was just possible that Boards of Guardians would not wish to facilitate the operation of this clause, but rather to throw obstacles in its way. He was decidedly opposed to the proposal of the noble Lord. In conclusion, he might say that he thought his hon. Friend the Member for Coleraine (Sir Hervey Bruce) had been entirely misunderstood. The hon. Baronet never suggested that all the tenants should emigrate, but that those whose position at present was uncomfortable should have facilities afforded them of doing so if they chose.

MR. MARUM said, he thought it was very desirable that the Land Commission or the Treasury should not have absolute power in the matter of emigration, but that a local authority—and the Boards of Guardians would be the most suitable body—should be able to exercise some influence over them. With regard to the political views of Boards of Guardians, surely the introduction of this Bill was a sufficient justification for the political action taken by Boards of Guardians and other bodies in Ireland. He would urge the Government to invest in the local Guardians a controlling power in this matter which was at present exciting a great deal of attention in Ireland. He had always advocated the principle of the Bill; but he felt that this clause was unnecessary, and was calculated to produce more harm than good—more ill-feeling and dissatisfaction than actual benefit.

MR. FAY said, he would be much more satisfied if the Commissioners were the controlling power. He thought they would be much more likely to act in

a generous spirit than any Board constructed of foreign materials, and, in many cases, having no element of popular representation at all. He knew that in many districts in the North of Ireland the *ex officio* Guardians were not very favourable to the Catholic clergy. Then there was another view to be taken of the question; for, as the hon. Member for Downpatrick had pointed out, the taint of pauperism would attach to these expatriated peasants who were shipped off by the Boards of Guardians, and that would be one of the most deterrent circumstances to prevent the people from applying for emigration purposes to the local Boards. In 1848, they died by the roadside rather than enter the poor-house; and he believed that in 1881 they would starve in thousands before they would apply in pauper form to be sent to America, Canada, or elsewhere. The name of pauper attached to the very friends of those who had been in any way relieved; and if the details of the emigration were left in the hands of the local Boards, it was known very well that they would take advantage of every opportunity to ship off the old and the maimed at the expense of the State for the relief of the ratepayers.

SIR JOSEPH M'KENNA said, he did not think the Guardians should be the sole depositories of the power of emigrating the people; but he would by no means exclude them, and he hoped the present Amendment would be withdrawn in favour of an alternative Amendment of his own, which he intended to move at the proper time.

MR. BIGGAR said, he understood that the proposition of the Government was not to send out parties who were willing and able to emigrate at their own expense, and thoroughly competent in all respects to take care of themselves. If those were the people who were to be emigrated, the Land Commission would be a very suitable tribunal to deal with them, because such parties might appear before the Courts of the Land Commission by themselves or by counsel to state their case and enter into contract or arrangements with the Commission with regard to the amount of assistance they should get to facilitate their going abroad. But he thought the real object of the clause was to facilitate the emigration of those whose status in the country was thoroughly hopeless, and, i

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that case, the Poor Law Guardians were the proper parties to come in contact with that class of people. The intention was not that any large area of the country should supply emigrants, but that the emigrants should be taken from certain defined districts; and the best parties to deal with them were the Poor Law Guardians, who knew the feelings and wants of their own particular districts, and probably each Guardian would know personally every inhabitant in his own district, and would be able to speak of each applicant from his own personal experience, and would be better able to give a correct opinion than a party who got his information only at second-hand. The Poor Law Guardian would, in point of fact, know whether the party proposing to emigrate was able to emigrate at his own expense, or whether he was likely to become a burden on the rates, and whether such a person could earn his own living by removing to a different part of Ireland, or perhaps to England or Scotland. Besides, the Poor Law Guardians had relieving officers under them, whose special duty it was to be acquainted with all the parties. Many of the parties who would be willing to go would be strong young men whom it was not desirable to have leave the country. The object of the clause was to remove those who could not help themselves in this country to another where they could lead an easier life and not be a burden on the ratepayers of the old country, or perhaps to the ratepayers of the new community among whom they were taken. But the Land Commission, which would be a judicial body consisting of gentlemen with very large salaries, could have no local knowledge whatever, and would be thoroughly incapable of knowing the facts, especially as they would have no machinery to enable them to make inquiries. Under these circumstances, he should support the Amendment of the noble Lord, which would probably have a tendency to make the Bill less objectionable than it was at present. He knew very well—indeed, it was notorious in Ireland—that *ex-officio* Guardians acted in direct contradiction to the interests of the local Guardians; but, at the same time, even the *ex-officio* Guardians would at least know the facts of the case and be enabled, if disposed, to give an impartial judgment on these questions.

MR. MAC IVER said, he supported most cordially the general intention of the Amendment of the noble Lord the Member for Woodstock; but he could not vote for it as it stood, lest it should prevent the moving of other valuable Amendments on the Paper which it would supersede.

SIR PATRICK O'BRIEN said, he was opposed to the Amendment, because it would enable the *ex officio* Guardians, who were the landlords in every district, to deport their own tenantry.

MR. O'DONNELL thought the hon. Baronet was suffering from some misapprehension. There was no danger that the landlords would use the machinery of the clause to clear the land for themselves. It was in a different way that the proposal of the Government would assist the evicting class of landlords. If the facilities proposed by the Government for emigration did not exist, then the evicting landlords would be hampered by the knowledge that the Government would be obliged to deal with the mass of evicted tenants, and would not have any means of shipping them off to foreign ports, and, consequently, the evicting landlords would be afraid to refuse reasonable compromises, because they would know that if they unduly increased the embarrassment of the Government by increasing the number of evicted tenants, the Government, which disliked nothing so much as embarrassment, would have to take some steps to limit the operations of the evicting landlords. But when those landlords knew that the Government had an easy and expeditious way of getting rid of embarrassment by simple transportation to foreign shores, they would at once hold out for the exaction of the utmost farthing of arrears, and the utmost letter of their bond, and Her Majesty's Government would be able to meet the remonstrances of the Irish Representatives by saying—"If there are a large number of evictions, we, at all events, are graciously providing for the evicted tenants in Manitoba, Van Dieman's Land, and other salubrious localities in which the discontented Irish tenantry will not be subject to the evils of English legislation." The Amendment supplied a most useful and, indeed, an infallible test as to the real design of the Government. The noble Lord who moved it said, very reasonably, that if the Go-

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vernment proposal was really intended to solace, and to carry off, and to better the state of numbers of poor farmers in Ireland who could not have their condition bettered in any other way, the proper persons to carry out the benevolent intentions of the Government were the Boards of Guardians, local representative bodies, possessing local information, knowing which were the poorest and the hopelessly bad cases of those who could not be got to live in comfort and prosperity at home, and knowing the families whose only chance consisted in deportation from their native land. But the Chief Secretary had at once risen to let the Irish Members know, what they had suspected previously, that it was not the hopelessly bad cases for which there was no other outlook than emigration which were really meant to be operated upon by this beneficent measure of the Government. It was the voters of Ireland whom Her Majesty's Government really wished to clear out, the men who returned Nationalist Members, instead of Whigs, to sit at the back of the Ministry.

THE CHAIRMAN: The hon. Gentleman is travelling beyond the limits of the Amendment.

MR. O'DONNELL: I am referring to what was said by the Chief Secretary. Their cardinal point is that they will deport the Irish voters.

THE CHAIRMAN: I have already explained that it is not in Order to discuss that point.

MR. O'DONNELL: May I ask whether it was in Order for the Chief Secretary to do so? [*Cries of "Name, name!"*]

THE CHAIRMAN: If the hon. Member defies the authority of the Chair, he knows what consequences will follow.

MR. O'DONNELL said, he was about to ask the Chairman a question on a point of Order. He was sorry, however, he was not allowed to state it. In proceeding with his argument, he would observe the Boards of Guardians were specially calculated to exercise a useful restraining influence on the operations of the Government. Though there were *ex-officio* Guardians, the majority of the Boards were elected, and elected by the very classes who would be benefited or injured by the operation of this emigration proposal. They possessed the local information, the time, and the capacity

to deal with the question; they had financial responsibilities, and they were, in short, precisely the best persons in the present state of the law to carry out an emigration proposal for the real benefit of the people. As to the proposal to put the working of the Emigration Clause in the hands of the Land Commission, it was only necessary to point out that that Land Commission was a central body. On what or whose information was it to act? Were they not to act upon local advice at all? Were secret circulars to be sent down asking for information to be supplied secretly to the Government with regard to the disposition of the people to emigrate or not? Was it the magistracy or was it the constabulary which was to set in motion the Land Commission and the Government scheme of emigration entirely in the dark? The Chief Secretary had said that if the emigrants landed on foreign shores under the auspices of the Board of Guardians, they would be regarded as paupers. But what sort of an argument was that to address to the Committee? Was it not notorious that Her Majesty's Government were proposing to ship off Irish paupers "anywhere, anywhere out of" its jurisdiction? Did not everybody know, whether in Canada, the United States, or elsewhere, that it was the people of the Irish nation who had been reduced to extreme want and distress who were to be shipped away under this emigration scheme? What was the good of pretending to conceal, or of hoping to conceal, that every man who went out under these circumstances would go out branded with the British brand of pauperism? The Chief Secretary, in saying that he hoped to save these emigrants from the brand of pauperism by deporting them from this country under the auspices of some other body than the Board of Guardians, simply showed that he had a higher opinion of the obedience of his majority than he had of the reasonableness or of the common sense of the House. The men who would go out from Ireland in this manner would land on a foreign shore with the brand of pauperism. If that was their object, if the Government wished to begin by branding the men, they would do better by giving up this emigration proposal entirely, and allowing the men to stay at home. To a certain extent, he would accept the representations of the Govern-

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ment that there was a very great difference between beginning life as a pauper in a foreign land and finding a new start among one's own countrymen at home. If the Government declined absolutely to accept every reasonable guidance of the local representatives of the class specially affected, they would only convey the idea to that class that they were too ready to receive—that they were anxious unrestrained to have the carrying out this emigration scheme. He had not heard from the Government one word of the slightest intention that they would accept any restraint or guidance. Now, considering that the operation of their proposal was certainly likely to go on for a considerable space of time, it was too much to ask the Committee to give into the hands of the Government a blind authority, uncontrolled, to do what they like after their own fashion. The Government, in the person of the Chief Secretary, said—"We want *carte blanche* to deport as many Irish families as we think ought to be deported." Such a power should not be granted to the best-meaning Minister; he would refuse it to an Irish Chief Secretary for Ireland as he would to an English Chief Secretary for Ireland. The best-meaning of central authorities must be radically incapable of making a judicious choice of local subjects for emigration without the assistance of the local authority. In their own interest, the Government ought to desire to have their authority shared; and they should accept, if not the precise words of the noble Lord (Lord Randolph Churchill), some Amendment instituting some local check on the administration of this emigration scheme, and the exercise of central discretion. He was very much inclined to amend the Amendment by providing that Boards of Guardians should hold special meetings, and constitute themselves after a special manner, in order to take into consideration proposals for emigration. He should, in fact, provide that at these special meetings of the Boards of Guardians no member of the Board should sit, act, or vote, except those elected. He thought if the noble Lord would consent to that amending of his Amendment by eliminating from the Board all *ex officio* Guardians who were more or less belonging to the landlord class, or in many cases interested in the expatriation of the people, then there would be a number

of local bodies approaching as nearly as possible to the character of fairly elected representatives of the popular wishes. The Government lamented the unfortunate circumstances that had prevented them introducing a system of county government in Ireland. Now, here was an opportunity of providing an organization in the interval which would carry out some of the purposes of local government in a most important matter. If the Government would consent to this, he was sure that they would find co-operation from five-sixths of the Irish Representatives. In this way the intentions of the Government and the wants of the people would coincide, and harmony would take the place of discord between the central authority and the people. It would work thus. The Land Commission would be authorized to apply a sum of money to the emigration of necessitous persons in certain counties; they would consult a special meeting *ad hoc* of a Board of Guardians, from which the *ex officio* element had been eliminated, as to local wishes and the number of *bond fide* poor people who were willing to emigrate; then at once the Government would be able to clear the Irish soil of encumbrances that would cease to be encumbrances elsewhere, and the fears of the Irish people of wholesale deportation would be removed, because, while, on the one hand, the Government offered all due facilities for the removal of the necessitous poor, on the other hand, the local Guardians would act as a check whenever it seemed that a scheme for the relief of the poor was degenerating into a scheme for the deportation of the population. He would not move the Amendment just at present, as he would hope to hear that the suggestion was favourably considered—in the first place, by the noble Lord, to whom it was only due that he should have the opportunity of dealing with it; and, above all, by the Government, who had the means of giving effect to the suggestion. He must emphatically object to the view of the Chief Secretary that the central authority should have this power, unchecked by any safeguard whatever; and he generally supported the proposition of the noble Lord that Boards of Guardians, as representing the wants and wishes of localities, should have the necessary consultative voice in the arrangements. But he reserved to

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himself the liberty of proposing an Amendment on the Amendment, to provide that Boards of Guardians, for the purpose of carrying out this emigration proposal, should consist exclusively of elected members, and that landlords and land agents should not take part in the proceedings when such proposals were under consideration.

MR. GLADSTONE said, he would at once answer the appeal which had been made to him. He could not agree with the proposal of the noble Lord the Member for Woodstock (Lord Randolph Churchill); but he admitted there was one strong point in the recommendation which was sustained by the precedents in which Parliament had vested authority in Boards of Guardians. But that principle had been deliberately departed from in the proposal in the Bill. Then, when he looked at this Amendment from another point of view, he found that the hon Member for Dungarvan (Mr. O'Donnell), in his anxiety to forward the progress of the Bill, proposed that the Government should forego the desirable means of management they had made; secondly, that they should introduce the Board of Guardians; and, thirdly, as Boards of Guardians had an unsatisfactory constitution, that they should reform the constitution of Boards of Guardians. Incidents, these, to forward the progress of the Land Bill! He (Mr. Gladstone) had listened to the discussion which the noble Lord was quite entitled to raise, and which had been carried on for a considerable length of time, and which had received but a very moderate amount of support from Irish Members, and he could not help hoping that the Committee was now in a condition to dispose of the Amendment. He quite admitted the fairness and legitimacy of the discussion, and the weight due to the consideration that Parliament had made use of this instrumentality before; but it was quite clear, for various reasons he would not now go over, that the Government could not consent to the substitution of Boards of Guardians for the agency they contemplated. He was afraid that if there was only one objection to the proposal—and it was far from being the only one—it was this, that it would attach more or less the suspicion or idea of pauperism to the people emigrated—that it was sending paupers away. This would fatally embarrass the

action of the authorities under the clause, and create an impression on the other side of the Atlantic which would be fatal to the prospects of those persons whom the noble Lord, with perfect sincerity, sought to benefit.

MR. BIGGAR said, he did not think that the Government of the country to which the emigrants were sent had a right to insist that they should get only healthy and strong persons without any mixture of others. The idea was preposterous that none but parties thoroughly able to work should be sent away at the expense of the State, leaving the old and infirm behind. He thought in cases of this sort the interests of the locality from which the people went should be consulted; but the proposal seemed to be that these Companies should be allowed to draw away the strong and young who would support their aged and infirm relatives, and that was a proposition that seemed to come with an exceedingly bad grace from a British Minister having the interest and welfare of the community in view. The remarks of the hon. Member for King's County, that the Boards of Guardians contained a mixture of *ex officio* members, of course had weight with them, and he did not mean to say they were a perfectly representative body; but they were less objectionable, from his point of view, than the body the Government proposed to administer the provisions of this Bill. Although, as the hon. Baronet said, only half of the Guardians were elected, it was known at the same time that the selected Guardians, as a rule, attended to their duties with greater regularity, and what they might lose in social position they gained in the influence that always attached to those who were zealous in the discharge of their duties. Those of the Committee who were not Irishmen should know the manner in which the election of Guardians was conducted. It was not by means of the ballot, but by means of voting papers; so the landlords really did exercise considerable influence on the result. Besides, the voting power of the ratepayers was not one vote for each ratepayer, but according to the amount of the valuation; so, in point of fact, the Boards of Guardians were not at all a democratic body, as a rule, and they would not be at all likely to act in a manner very much in opposition

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to what might be supposed the general ideas of landlords, being largely representatives of the higher rank of rate-payers. If the Commission could not attend to the work of reclamation, he did not see how they could attend to the operation of this clause, and which would require a knowledge of details not likely to be possessed by the Land Commission.

Question put, "That the words 'or persons, or body of persons having authority,' stand part of the Clause."

Question put,

The Committee divided :—Ayes 266 ; Noes 19 : Majority 247.—(Div. List, No. 303.)

Amendment proposed,

In page 18, line 14, to leave out the words "on behalf of the Dominion of Canada or any province thereof, or."—(Mr. William Edward Foster.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. BIGGAR said, this Amendment was only in appearance a concession to Irish public opinion. Even if the Amendment was carried, the other parts of the clause would make it quite as mischievous as though it was passed in its original form. What he would wish to see was the insertion of words which would specially except the Dominion of Canada from the provisions of the Bill, and by that means give a guarantee to the unfortunate people who were, practically, to be sent to penal servitude that they should not be sent to a climate that was perfectly unsuitable for them. In his view, the Land Commission and the Treasury ought not to be allowed to enter into contracts with the Government of any country in reference to this matter whose climate was not compatible with the health of people who had been reared in Ireland.

THE CHAIRMAN said, the hon. Member was discussing an Amendment which was not on the Paper, and was therefore out of Order.

MR. HEALY said, he had on the Paper an Amendment for the insertion, after the word "the," of the words "United States of America" in this particular part of the clause, and he therefore wished to know what would be the position of his Amendment if that

of the right hon. Gentleman the Chief Secretary was now passed?

THE CHAIRMAN said, the hon. Gentleman would have an opportunity later of moving his Amendment.

MR. DAWSON said, considerable difficulty would be removed if the right hon. Gentleman would state that the effect of the clause would not be to prevent the sending of emigrants to the United States.

MR. W. E. FORSTER said, he thought the inquiry of the hon. Member would be met by the later words in the clause, which were to this effect—

"Or on behalf of any public company or other public body with whose constitution and survey the Land Commission may be satisfied."

MR. WARTON said, he regretted that the Government had allowed themselves to be influenced by the unworthy pressure which had been brought to bear in order to induce them to except the Dominion of Canada from the operation of the Bill.

MR. ARTHUR O'CONNOR, rising to Order, asked the Chairman whether the hon. Member was in Order in saying that pressure, no matter from whatever quarter of the House it came, was unworthy?

THE CHAIRMAN said, he did not regard the expression of the hon. and learned Member for Bridport as un-Parliamentary.

MR. WARTON, resuming, said, that Canada was one of the most loyal among England's Colonies, and he should therefore have thought Irish Members would have felt grateful for the generous assistance which the Canadians had given to Irish fisheries and towards the relief of distress in Ireland. He could not help repeating the expression of his regret that a graceful and merited compliment to Canada was about to be struck out of the Bill.

MR. T. D. SULLIVAN said, he was grateful to Canada for her very practical sympathy with Irish suffering; but, at the same time, he must be allowed to say that he had no desire to see or to hear of the bones of his unfortunate fellow-countrymen being committed to the snows of that Colony. The clause, as it stood, was practically one for deporting the Irish people to Canada, and to nowhere else.

MR. O'DONNELL said, he regarded the Amendment of the right hon. Gen-

[Twenty-sixth Night.]

tleman as purely illusory, and for this reason—

And it being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow*.

#### LABOURERS' COTTAGES (IRELAND).

MR. W. E. FORSTER said, he wished to take that opportunity of stating that he had placed on the Table the clauses which he intended to propose with regard to labourers' cottages.

House adjourned at five minutes before Six o'clock.

#### HOUSE OF LORDS,

*Thursday, 14th July, 1881.*

MINUTES.]—SELECT COMMITTEE—Claims of Peerage, &c., *nominated*.

PUBLIC BILLS—*First Reading*—Central Criminal Court (Prisons)\* (162); Pedlars (Certificates)\* (163); Metropolitan Open Spaces Act (1877) Amendment\* (164).

*Second Reading*—Commons Regulation (Shenfield) Provisional Order\* (132); Alsager Chapel (Marriages)\* (153).

Committee—*Report*—Petroleum (Hawking)\* (139).

*Report*—Water Provisional Orders\* (102).

*Third Reading*—Tramways Orders Confirmation (No. 3)\* (136); Summary Procedure (Scotland) Amendment\* (99); Local Government Provisional Orders (Acton, &c.)\* (121), and *passed*.

The House met at Five o'clock;—

CENTRAL CRIMINAL COURT (PRISONS) BILL [H.L.] (No. 162.) A Bill to remove certain doubts as to the application of section twenty-four of the Prison Act, 1877, and enactments amending the same, to the Central Criminal Court District: And

PEDLARS (CERTIFICATES) BILL [H.L.] (No. 163.) A Bill to amend the Pedlars Act, 1871, as regards the district within which a certificate authorises a person to act as pedlar:

Were *presented* by The Earl of DALHOUSIE; read 1<sup>a</sup>.

#### CLAIMS OF PEERAGE, &c.

Select Committee on: The Lords following were named of the Committee:

*Mr. O'Donnell*

M. Abercorn.

E. Airlie.

E. Mansfield.

E. Belmore.

E. Redesdale.

V. Sherbrooke.

L. Balfour of Burley.

L. Stewart of Garlin.

L. Inchiquin.

L. Watson.

L. Brabourne.

The Committee to meet on *Monday* next at Four o'clock; and to appoint their own chairman.

And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, till *To-morrow*, a quarter before Five o'clock.

#### HOUSE OF COMMONS,

*Thursday, 14th July, 1881.*

MINUTES.]—PUBLIC BILL—Committee—Land Law (Ireland) [135]—R.F.

#### QUESTIONS.

LANDLORD AND TENANT (IRELAND) ACT, 1870—THE BESSBOROUGH COMMISSION—THE REPORT AND EVIDENCE.

SIR WILLIAM PALLISER asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can say why the dates of all the "Statements in reply to or in explanation of Evidence" published along with the Report of the Bessborough Commission, and amounting to 385 separate statements, have been withheld; and, whether the Committee signed their Report without having seen or studied this rebutting evidence?

MR. W. E. FORSTER, in reply, said, his only means of obtaining information to answer the Question had been to apply to the Secretary to the Commission, and probably the House would wish him to read that gentleman's reply. It was as follows:—

"The principal Report of the Commissioners bears date January 4, 1881. After that date no material alteration was made in it and the date was not altered. It was, however, again considered supplementarily, and separate Reports of the dissenting Commissioners were added to it on January 10. By that time, all the oral and the great bulk of the written statements in reply to, or in explanation of, evidence affecting

individuals had been received and considered. The majority had been received and considered by January 4th. The time for receiving such statements was, however, extended for some weeks in order that full opportunity might be given as promised for replies. Many statements were accordingly received subsequently, and were printed by direction of the Commissioners, some of them as late as March."

It is invidious to speak of the dates of those statements as having been withheld. The statements were mostly embodied in, or inclosed in, letters to the Commissioners. The dates of those letters, together with any other matter not forming part of the actual statement, were, in the ordinary course, deleted, and the actual statements were copied and sent to the press.

**MR. TOTTENHAM:** Does the right hon. Gentleman mean that rebutting evidence was received up to March?

**MR. W. E. FORSTER:** I cannot say. I have read the answer as I received it.

#### LAW AND JUSTICE (IRELAND)—DISPOSAL OF PETTY SESSIONS' FINES FOR DRUNKENNESS AT TULLAMORE.

**MR. MOLLOY** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the fines imposed and levied at Petty Sessions, in cases of drunkenness occurring within the municipal boundary of Tullamore, are now paid into the Fines and Penalties Office; whether such payments should not, under the provisions of "The Towns Improvement (Ireland) Act, 1854," and the 30th section of the Licensing Act of 1874, be paid to the Town Commissioners of Tullamore; and, whether, if that be so, he will cause the necessary instructions to be given for that purpose?

**MR. W. E. FORSTER,** in reply, said, that under the Acts referred to in the Question of the hon. and learned Member, one-half only of the fines in question were payable to the Town Commissioners, and he believed they were so paid at present.

#### POST OFFICE (IRELAND)—THE POST OFFICE, DONEYCARNEY, CO. MEATH.

**MR. A. M. SULLIVAN** asked the Postmaster General, If it is true he has refused to allow a post office for Doneycarney and Mornington, county

Meath, because the postmaster asked so high a salary as £1 a quarter, or £4 a year; and if he can state the salary Her Majesty's Government were willing to pay?

**MR. FAWCETT,** in reply, said, that some time since he received a Report that it would be desirable on public grounds to open a Money Order Office and Post Office Savings Bank at Mornington; and, considering the great advantage it would be to the people of the district, he gave his consent. When the matter became known to the postmaster, having other business to attend to, he at once absolutely refused to conduct the business of the Post Office Savings Bank and the Money Order Office. The postmaster was pressed to do so, but still refused. It was not a question of salary. Under these circumstances, thinking it very undesirable that the inhabitants of the district generally should be deprived of the advantage of having a Post Office Savings Bank and Money Order Office, and seeing no other alternative, he accepted the postmaster's resignation, and he hoped that before long he would be able to put a suitable person in his place. At any rate, he would do his best to prevent the inhabitants of the district losing the advantage of a Money Order Office and Savings Bank.

**MR. A. M. SULLIVAN:** The right hon. Gentleman has apparently misconceived my Question. He has not answered the Question on the Paper; but he has answered one which I did not put. I asked if the Government refused to pay the postmaster so high a salary as £4 a-year, and I will add this—did they not offer him £3 instead of £4?

**MR. FAWCETT:** It will be in the recollection of the House that I explained, on Monday last, that the pay of these small sub-postmasters was partly dependent on salary, and partly on the amount of the Savings Bank and Money Order business transacted. It is estimated that when the Savings Bank and Money Order Office is opened, the emoluments of the postmaster at this place will be more than doubled. This was pointed out to the postmaster, and he still refused to carry on the office if he had to conduct a Savings Bank and Money Order business; and, so far as I can discover, the question of salary had nothing whatever to do with it. He

absolutely refused to be worried with the new business.

MR. A. M. SULLIVAN: I must ask the right hon. Gentleman whether it is or is not the fact that the postmaster was offered £3 when he asked £4?

MR. FAWCETT: No. What I understand is this—it was not, as I have twice before said, a question as to salary, but of the postmaster absolutely refusing to do this additional work. I understand that he has offered to carry on the Post Office without a Savings Bank or Money Order Office, if we will pay him £4. [MR. A. M. SULLIVAN: Hear, hear!] Yes; but I am so anxious that the public should have the advantages of a Savings Bank and Money Order Office in this place, that if he had offered to do the other work for nothing, or to pay the Department for doing it, I would not let him do it if the public were in consequence deprived of these additional advantages.

#### STATE OF IRELAND—REFUSAL TO SERVE LIQUOR.

MR. TOTTENHAM asked the Secretary of State for War, Whether he has ascertained that the statement of Mr. Brown, of Newbridge, that his reason for refusing to serve John Costello with liquor on the 6th June was "because he was drunk" was untrue, and whether Costello was not perfectly sober; whether he has ascertained that the publican took away the liquor and threw it on the ground, on hearing that it was for Costello, who had just returned from driving police and prisoners; and, whether the Government approve of and intend to support the action of General Frazer in putting this public house out of bounds?

MR. CHILDERS: In reply to the hon. Member, I have to state that I have no intention to interfere with the decision of Sir Thomas Steele in this matter. I have read the statements on record, and I am satisfied that Costello was sober, and that Mr. Brown refused to supply him with beer because he had been employed by the police.

#### METALLIFEROUS MINES—INSPECTORS' REPORTS, 1880.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been called to a

paragraph in the Report of the Inspectors of the Metalliferous Mines of Cornwall and Dorsetshire, at page 543 of the Inspectors of Mines Reports for 1880, which runs as follows:—

"On looking down the list of fines, one cannot help being struck by the fact that most of them are absurdly small. The fact is, a very large number of the magistrates are interested directly or indirectly in mining. Many of them are owners of mining property, and have been troubled by repeated notices to fence dangerous abandoned shafts, and have been thereby put to considerable expense; some, indeed, have been prosecuted for neglecting to attend to these notices; others are shareholders in mines in the district, and, as such, are not disposed to look favourably upon Government restrictions, which they think may interfere with their profits. If the offences had been punished with greater severity, mine agents would have attended to the provisions of the Act with much more diligence. I am convinced that this mistaken leniency on the part of the magistrates leads to a delay in carrying out all the provisions of the Act, and thereby tends to keep up the death-rate from accidents;"

and, whether he will bring in a Bill this Session to prohibit magistrates who may have a direct or indirect connection with metal mines from sitting on the bench, or in any way by their presence taking part in such mining cases?

SIR WILLIAM HARCOURT, in reply, said, the allegation by the Inspectors that the magistrates, having an interest in mines, inflicted inadequate fines, so as to lead to the non-enforcement of the law, was a very serious one. In the case of the coal mines, that was obviated by an enactment that persons interested at all in mines should not act as magistrates in the case. In the case of the metalliferous mines there was no similar enactment, and that, he was informed, was done deliberately, because it was considered that in Cornwall and other like places, where metalliferous mines abound, it would have been almost impossible to have found any magistrates who were not interested, because it was so common there to have small shares in various mines. But, of course, when that was allowed, it was assumed that the magistrates having such an interest would not allow that interest to interfere with the administration of the law; and, if it was true that that was the case, no doubt, some remedy would be found for it. He should hope that the hon. Member's Question, having called attention to this very serious matter, might tend to cure it; if not, of course, some serious

*Mr. Fawcett*

remedy could be applied to it. In answer to the latter part of the Question, he was afraid the present state of Public Business did not afford very favourable hope of introducing a Bill on this or any other subject this Session.

Mr. MACDONALD suggested that a Circular of warning might be sent to the magistrates of Cornwall from the Home Office, as had been done in other instances with good effect.

#### STATE OF IRELAND—THE DOWN CONSERVATIVE FLUTE BAND.

LORD ARTHUR HILL asked Mr. Attorney General for Ireland, Whether his attention has been called to the proceedings at Petty Sessions in Downpatrick on 30th June last, when certain members of the Down Conservative Flute Band were prosecuted by the police, and the cases sent forward to the assizes; whether the offence alleged was, that they had played, as they had been in the habit of doing, in the public streets; whether it was given in evidence that the tunes played were not party tunes, but were "Annie Laurie," "The Girl I Left Behind Me," "God Bless the Prince of Wales," and "God Save the Queen;" whether it is illegal to play such tunes in the public streets; whether it was not further given in evidence that their conduct was orderly and peaceable, that they were attacked by stone throwing and did not retaliate; whether, under such circumstances, it was not the duty of the police to protect them when attacked, and whether their assailants should have been prosecuted; and, whether he will direct the prosecution against the members of the band to be abandoned?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Sir, my attention has been called to the prosecution referred to by the noble Lord. I am informed that the musicians mentioned are members of the "Downpatrick Orange Flute Band," and are charged with the offence known as "unlawful assembly." They appear to have played the tunes mentioned in the Question, which in itself would be perfectly innocent; but the charge is that they played through a part of the town where their music, if not so meant, was, at all events, more than likely to be regarded as a defiance and thus to cause a breach of the peace such as actually occurred.

Downpatrick, as the noble Lord is doubtless aware, contains an Orange or Protestant quarter and a Catholic quarter; and I am informed that whenever the band of one quarter plays, in however orderly a manner, through the streets of the other, it is accepted as a challenge, and disorder generally ensues. This, as might have been expected, occurred on the present occasion. Fourteen of the Orangemen, believed by the magistrates to have thus provoked a breach of the peace, and also two of their assailants, have been sent for trial at the Assizes, and I must say that at present I see no reason for directing an abandonment of the prosecution.

Mr. PARNELL asked whether there was any disorder on the occasion?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, that there was.

#### THE NATIONAL GALLERY—ADMISSION OF ARTISTS ON WEDNESDAYS—DEPOSITING STICKS AND UMBRELLAS.

Mr. COOPE asked the First Commissioner of Works, Whether he will take steps to secure to artists further facilities, by granting them permission to copy the paintings in the National Gallery on Wednesday, the public being admitted as at present on that day, and without the payment of a fee; whether he would require the enforcement of the existing rule requiring visitors to deposit their sticks and umbrellas on entering, a system which has been relaxed by the authorities of the South Kensington Museum and of the Royal Academy; and, whether he will deem it necessary to enforce this inconvenient regulation in the South Kensington Museum?

Mr. SHAW LEFEVRE: Sir, I must remind the hon. Member that the details of management of the National Gallery are confided to the Trustees and Directors of the Gallery, and I have no power to interfere with their management in such matters. I have, however, communicated with the Trustees on the subject, and have been informed that they are unanimously of opinion that they cannot accede to the suggestions of the hon. Member. With respect to the first, they say that to admit copyers to the Gallery on Wednesday would materially interfere with the right and enjoyment of the public; and with respect to

the other, they say that their own past experience has been that there would be danger to the pictures if people were allowed to bring their sticks and umbrellas into the Gallery. Two of their pictures were seriously damaged when at Marlborough House in this respect.

#### ARMY ORGANIZATION—THE NEW WARRANT—PURCHASE CAPTAINS.

MR. H. TOLLEMACHE asked the Secretary of State for War, Whether he will consider the advisability of granting to Purchase Captains in the Army a step of Brevet Rank on the occasion of the issue of the New Warrant, so as to avoid their supersession in Army Rank by a great number of Non-Purchase Captains now their juniors?

MR. CHILDERS: Sir, if I understand the object of the hon. Member's Question it is that, there having been admittedly under the regimental system great inequality in promotion, especially from lieutenant to captain, he wishes me to redress this inequality, so far as Army rank is concerned, in favour of Purchase captains. This proposal has been carefully considered, and I regret that it is quite out of my power to adopt it. It would create a very dangerous precedent, and would perpetuate on a large scale the evil of brevet promotion other than for distinguished service.

#### ARMY ORGANIZATION—THE MILITIA AND THE LINE.

MR. JUSTIN MCCARTHY asked the Secretary of State for War, Whether it is the fact that when Militia Regiments form battalions with Line Corps, the latter have two lieutenant-colonels, one commanding, four majors, and a proportionate number of captains and subaltern officers, whereas the Militia battalions have only one lieutenant-colonel and one major; and, whether he will allow to the Militia Corps the same advantages with regard to promotion that the Line Corps have by increasing the number of Militia officers?

MR. CHILDERS: May I suggest, Sir, to the hon. Member that, before he puts a Question on the Paper, already very crowded, he should inquire whether it has been already answered? As a matter of fact, this Question has been twice answered, on the 3rd and 13th of June.

*Mr. Shaw Lefevre*

#### SOUTH AFRICA—NATAL—PROMISED LIBERATION OF LANGALIBALELE.

MR. GEORGE PALMER asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have yet fixed any time for the liberation of Langalibalele, the Natal Zulu Chief, in accordance with the intimation which the Earl of Kimberley made to a deputation from the Aborigines' Protection Society in May 1880?

SIR CHARLES W. DILKE, in reply, said, that Lord Kimberley asked him to answer the Question. Since the occurrence of the deputation, the Basuto War had taken place, and it would be impossible, in the present condition of the country, to release Langalibalele. Beyond that, a very strong opinion against his liberation had been expressed by the Legislative Council of Natal; and, under those circumstances, Lord Kimberley was unable to indicate a time when he should be released. It would, however, take place as soon as it could be done with safety.

#### DOMINION OF CANADA—ALLEGED COMMERCIAL TREATY WITH FRANCE.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether he can lay upon the Table the text of the communication made to the Canadian Government by the French Consul at Quebec inviting Canada to join in a Commercial Treaty, and also Copies of the Correspondence that has taken place on the subject with the French Government?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government have been informed that the communication in question was not made by the French Consul General, but by his predecessor, in a private letter written after he had ceased to have any official character, and without any authority from the French Government.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—THE ROYAL ARTILLERY—SEIZURES FOR RENT.

MR. O'SULLIVAN asked the Secretary of State for War, Whether it is true that a number of men belonging to the Royal Artillery (stationed at Limerick) acted in the capacity of bailiffs or

drovers on the 23rd ultimo, by driving the cattle of Mr. Patrick Browne (seized for rent) from the Railway station at Limerick to the pound in that city; and, if so, if he approves of the Artillerymen being called on to discharge such a duty?

MR. CHILDERS: Yes, Sir. I called for a Report on the subject of the hon. Member's Question, and I am satisfied that Major Goodeve, who commanded the military on the occasion, exercised a wise discretion in acting as he did.

#### NAVY—H.M.S. "POLYPHEMUS."

MR. BROADHURST asked the Secretary to the Admiralty, Whether it is true that in a recent trial of the "Polyphemus" it was found impossible to maintain the required air pressure in the stokehole; and, if so, whether it is true that the cause was traced to the leakage of the bulkheads, which are supposed to be capable of resisting water pressure; and, if true, who is responsible for such defective workmanship?

MR. TREVELYAN: Sir, on the preliminary trial of the air-fans in the stokehole of the *Polyphemus* by the contractors for the engines, it was found impossible to maintain the required air-pressure at the commencement of the trial. It is not the case that the cause was traced to the leakage of the water-tight bulkheads, which are capable of resisting any water-pressure to which they will be subjected; but there were a few bolt holes in the bunker bulkheads in connection with a considerable amount of work not yet completed. These small holes, which previous to the trial were considered by the contractors as unobjectionable, had been left open; but when they were plugged up the required pressure was obtained and maintained during the rest of the trial.

#### NAVY—H.M.S. "MUTINE" AND "ESPIEGLE."

MR. BROADHURST asked the Secretary to the Admiralty, Whether he will lay upon the Table of the House Copies of the Reports of the trial of the centrifugal pumps in Her Majesty's Ships "Mutine" and "Espiegle," with the Letter on the subject from the chief engineer of the first-named ship; and, whether he will give the Copy of a Telegram from the Admiral Superintendent of Devonport Dockyard to the Dockyard

Officers and Captains of Steam Reserves in that port, with reference to the defect discovered in the shell room of the "Mutine" when commencing to store gun cotton and live shell on 26th May last?

MR. TREVELYAN: Sir, while the *Mutine* was being fitted the chief engineer reported that on letting water into the ship for the purpose of testing the performance of the centrifugal pumps, it was found that some water was leaking from one compartment to another. The fact was that the compartments had not been completed, and the superintendent gave orders that the pumps were not again to be tested until the bulkheads were in a finished state. I may say, further, that in composite vessels like the *Mutine*—that is to say, vessels with an iron skeleton frame with the wood bolted on to it, the wood must and will shrink to a slight extent until the inside has been well wetted, and the bulkheads cannot be perfectly water-tight, though sufficiently so for the safety of the ship. The telegram alluded to in the second part of the Question was simply an order from the Admiral Superintendent in his office at Devonport to the officers in Keyham Yard to examine and make good a defect reported in the shell-room light box of the *Mutine*. The defect was reported to the Admiralty, and as, under the system pursued at the Dockyard, all work, good and bad, can be traced, the foreman of shipwrights and two leading men were punished for passing imperfect work. I may say that, in the case of both shipwrights and fitters, the authorities have occasionally to animadvert upon imperfect work, but very seldom, considering the great amount that is done in establishments where, as in our Home Yards, 16,000 artificers and labourers are employed, and upwards of £1,000,000 a-year is paid in wages.

#### NAVY—THE FRENCH AND ENGLISH FLEETS IN THE MEDITERRANEAN.

SIR JOHN HAY asked the Secretary to the Admiralty, If it is correctly stated that the French fleet operating on the coast of Northern Africa consists of ten ironclads, seven of the first rank and three of the second rank; and, if he will state what number of ironclads are now in the Mediterranean under the orders of Sir B. Seymour?



MR. TREVELYAN: Sir, there have been three French iron-clads on the coast of Northern Africa, which, from the latest advices, we have reason to believe have now been supplemented by the Toulon squadron of six other vessels. This would make nine in all, of which six rank as first-class ships. But there are first-class iron-clads and first-class iron-clads, and the six armoured ships under the command of Sir Beauchamp Seymour form a fleet which, for fighting efficiency, is quite worthy even for England to show in the Mediterranean. I wish this Question had not been asked; but since it has been asked, I must remind the right hon. and gallant Member that the whole commissioned iron-clad fleet of the French, with the exception of one vessel, is in the Mediterranean at this moment, while we have in European waters the four iron-clads of the Channel Squadron and the nine Coast-guard ships, of which eight are at present in the Baltic.

#### ASHANTEE—PAYMENT OF THE WAR INDEMNITY BY THE KING.

MR. HEALY asked the Under Secretary of State for Foreign Affairs, Since this Country is at peace with the King of Ashantee, why a large fine of gold dust was recently exacted from this potentate; what this fine represents; whether it is war indemnity; whether it is the price of this Country keeping the peace towards him; on what principle the amount of indemnity was fixed; and, whether the Home Government was consulted before the gold dust was demanded from Ashantee?

SIR CHARLES W. DILKE: Sir, the gold dust received from the King of Ashantee was not exacted as a fine or a war indemnity, but was offered by him as a token of submission, and accepted as a partial set-off against the expenses incurred by the Colony in making preparations to resist the invasion of the protected States, which he threatened, if a political refugee were not given up to him. The Home Government were not consulted in the matter.

MR. HEALY asked whether it was not a fact that the King denied the sending of a threatening letter?

SIR CHARLES W. DILKE, in reply, said, that he had that morning read through the Papers, and the answer he had given was in accordance with the

view he derived from reading them. Although it was true that the King had stated that it was not his intention to attack the Colony, yet, at the same time, he had placed a large force upon the Frontier, and it was generally believed he was going to make an attack on tribes under our protection.

MR. T. D. SULLIVAN asked on what pretence the Gold Axe of the King was taken from him and brought to England?

SIR CHARLES W. DILKE said, he answered that Question before.

#### THE ROYAL UNIVERSITY OF IRELAND —SCHEME OF THE SENATE.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been drawn to the fact that, in the scheme for the Royal University of Ireland, no provision is made for the granting of a special diploma in the branch of the medical profession dealing with diseases of the eye; and, whether such an omission shall be filled up?

MR. W. E. FORSTER, in reply, said, that the scheme had been laid on the Table. On looking into it, he found it contained special recommendations to students to attend lectures on diseases of the eye and ear, and other special subjects in medicine and surgery. As to granting a diploma, it lay with the Senate, and not with the Government, to grant diplomas for such subjects.

MR. DAWSON said, that he asked the Question at the instance of leading oculists and aurists in Dublin, who were surprised that no such diplomas were offered. If no diplomas were given, the culture of those branches of medical and surgical science would not be secured.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—~~THE~~ CITY OF WATERFORD.

MR. R. POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to a speech made at a meeting of the Town Council of Waterford by the Mayor of that city, in which the Chief Magistrate said—

“That by the action of the Government in prescribing the city business relations and the ratepayers were injuriously affected, and the general trade damaged;”

and, if he would state if any person had been arrested in Waterford since it has been declared a prescribed district?

MR. W. E. FORSTER, in reply, said, he had seen the report in *The Waterford Daily Mail* of the speech made by the Mayor of Waterford; and he did not appear to have stated, with regard to the prescribing of the city and county of Waterford, that it had injuriously affected the business relations of the ratepayers. What he stated was that, in his opinion, the action of the Government might have that effect. No person had been arrested in the City of Waterford since it was prescribed.

MR. LEAMY asked whether, since no person had been arrested, the right hon. Gentleman still considered it necessary that Waterford City should be prescribed?

MR. W. E. FORSTER said, he did. He thought it likely that prescribing the city had made arrests unnecessary.

MR. LEAMY asked if the right hon. Gentleman had inquired into the circumstances of the arrest of Mr. J. T. Power, who had been arrested under the Coercion Act?

MR. W. E. FORSTER said, he had examined into the alleged grounds of arrest, and satisfied himself on the point.

#### LUNATIC ASYLUMS (IRELAND)—ANNUAL REPORT OF THE INSPECTORS.

MR. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware of the fact that the annual Report of the Inspectors of Lunatic Asylums is only issued as a "short delivery Paper;" and, whether, looking to the great importance of the subject, he will take steps to have it issued in future as a "full delivery Paper?"

MR. W. E. FORSTER, in reply, said, he dared say the hon. Member was aware that the authorities of the House exercised discretion as to whether Reports should be sent round to every hon. Member, or whether they should be merely printed for hon. Members who applied for them, the latter course being taken in connection with Reports not of general interest. The annual Report of the Inspectors of Lunatic Asylums seemed to have been treated in the latter way; but the hon. Member, or any other hon.

Member, could get copies of it on application being made.

#### FRANCE—THE NEW GENERAL TARIFF—THE JOINT COMMISSION.

MR. BROADHURST asked the Under Secretary of State for Foreign Affairs, Whether equal facilities were given to the workmen and the employers to place their views on the Tariff question before the Joint Commission which recently sat at the Foreign Office to inquire into that subject?

SIR CHARLES W. DILKE: Sir, the Joint Anglo-French Commission, in consequence of objection raised by the French Commissioners, did not receive directly representations from deputations of trades in the United Kingdom. These representations were, therefore, received by the Royal Commissioners, and by them placed before the French Commissioners. All those who desired to submit their views with regard to the proposed conventional Tariff were heard, the same facilities being given to all, whether workmen or masters; and, in fact, some of the most valuable speeches were made by those who represented the workmen. I need not point it out, however, for my hon. Friend is fully aware of the fact, that the matter in question is one in which the interests of the employers and employed is not divergent, but identical.

#### ARMY—THE ARMY HOSPITAL CORPS.

MR. ARTHUR MOORE asked the Secretary of State for War, If it is true that the titles of the officers of the Army Hospital Corps have been changed from those of Lieutenant and Captain of Orderlies to that of Hospital Quartermaster; whether he is aware that this new designation is distasteful to the officers of the Army Hospital Corps; and, whether representations have been made to the Director General of the Army Medical Department to the effect that this change of designation would lower the social and military status of the officers concerned, and would render it more difficult for them to enforce obedience from their subordinates?

MR. CHILDERS: Yes, Sir; under the Warrant of the 14th of August, 1877, the discipline of the Army Hospital Corps was transferred from the captains and lieutenants of orderlies to the medi-

cal officers, leaving to the former the purely quartermaster duties of equipment and supply only. Under the new Warrant of this year, the emoluments and prospects of these officers have been considerably improved by putting them on the same footing as Line quartermasters, and the opportunity has been taken to discontinue their inappropriate titles, and give them that which is the proper description of their appointments. They will also receive honorary military rank, which is really better, so far as their social and military status is concerned, than the relative rank they formerly had. Their present titles will not unfavourably affect any authority they have in the hospitals. -

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PERSONS CONFINED UNDER THE ACT IN LIMERICK GAOL.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that the suspects in Limerick Gaol, numbering some fifty, are divided into two batches, and that the gentlemen in one batch are not allowed intercourse or correspondence with those in the other; whether it has his approval; whether Coercion prisoners in Limerick are mixed with ordinary prisoners; whether, if it be alleged that the exercise ground is not large enough for all the Coercion prisoners in Limerick, he will give orders to better regulate the number of suspects sent thither; whether it is true that the governor of Limerick Gaol stopped a letter sent by Mr. O'Mahony, P.L.G., one of the gentlemen confined there, addressed to Mr. Hodnett, another prisoner, because the latter was styled "Chairman of the Ballydehob Board of Guardians, and President of the Land League;" whether he approves of this stoppage; whether a Report was made by the governor thereupon, as provided by Rule 14 of the Lord Lieutenant's Regulations; whether Coercion prisoners are disentitled the use of all titles of courtesy; and, if so, whether the letters "M.P." are objected to by the prison authorities in the case of an imprisoned Member of Parliament; and, whether he will give instructions to the prison authorities to avoid needless irritation to prisoners by the suppression of letters on trivial grounds?

*Mr. Childers*

MR. W. E. FORSTER, in reply, said, that there were two different wings in Limerick prison, each of them containing 30 cells, and with suitable exercise yard and association room. In one wing 29 Coercion prisoners were detained, and in the other 21. The Governor of the gaol should be allowed his discretion as to the intercourse or communication allowed between the prisoners; and he exercised what appeared to him (Mr. W. E. Forster) a wise discretion when he declined to allow all the Coercion prisoners to associate in one yard, as it would lead to overcrowding and bad sanitary results. The prisoners in Limerick gaol, confined under the Protection Act, were not mixed with the ordinary prisoners, and the yards in which they were exercised were believed to be large enough for a larger number of prisoners than were at present confined in the gaol. As to the question regarding letters, it was true that the Governor had stopped a letter addressed to Mr. O'Mahony, one of the prisoners, by Mr. Hodnett, another prisoner; but the reason why this letter was stopped was not because it was addressed to Mr. O'Mahony as Chairman of the Ballydehob Board of Guardians and President of the Land League. In the event of a letter being stopped under circumstances that were thought to constitute a grievance, the practice was, under Rule 14, that the prisoner concerned should make a representation to the Government; but, in this instance, no representation of this kind had been made, and, therefore, he (Mr. W. E. Forster) had not seen the letter. Prisoners confined under the Coercion Act ought not to be, and were not, disentitled to be addressed by the ordinary titles of courtesy. The title of "M.P.," "T.C.," "P.L.G.," or any other which might apply to them, as in the case of Mr. Dillon, was not objected to.

MR. HEALY asked, whether the Governor of the gaol was entitled to refuse prisoners in one division of the prison to see prisoners in the other division; and, whether the Chief Secretary for Ireland had not himself stated, when the Protection Bill was under discussion, that all the prisoners in one gaol should have intercourse with one another?

MR. W. E. FORSTER said, he did not recollect having made any such promise as that indicated; but he thought

the hon. Member must see that if there were two recreation grounds and two association halls, and if one wing was too small for all prisoners, it could not be a good arrangement to have the prisoners altogether.

MR. HEALY: Suppose there is a father and a son, or two brothers, in the same gaol, have they option, if they choose, to be confined in the same prison, or part of the prison?

MR. SPEAKER: The hon. Member is putting a hypothetical Question, and I am bound to say that if the House is to allow hypothetical Questions to be put, there would be no end to them.

MR. HEALY then gave Notice that on to-morrow he would ask, whether there was any objection to allowing any prisoner so desiring it to be transferred from one wing of Limerick Gaol to another?

MR. W. E. FORSTER said, he had no objection to state at once that they could not give prisoners any such choice. He believed there was no case of a father and son imprisoned. There was one case of brothers; but he did not believe they were separated.

MR. HEALY subsequently asked the right hon. Gentleman, whether he adhered to the statement made earlier in the evening, that he knew of no case in which a father and son had both been arrested under the Coercion Act; and, whether it was not the fact that such a case had occurred at Mitchelstown—Messrs. Mannix, father and son, being both arrested?

MR. W. E. FORSTER: I am glad the hon. Member has asked the Question. Since I answered his previous Question I have recollected that there was such a case.

MR. HEALY: Are the father and son kept separate?

MR. W. E. FORSTER: The hon. Member had better give Notice of the Question. I am not sure whether they are both in the same prison or not.

#### POOR ALLOTMENTS MANAGEMENT ACT, 1873—ALLOTMENT COMMITTEES.

MR. HOLLOND asked the Secretary of State for the Home Department, What is the amount of security required by the Inclosure Commissioners before they entertain any application for the appointment of an Allotment Committee under section 9 of "The Poor Allotments

Management Act, 1873;" and, whether any such Committee has been appointed by the Inclosure Commissioners in accordance with the above Act?

SIR WILLIAM HARCOURT, in reply, said, there was no fixed amount of security required. The amount was estimated only as to the probable sum required to cover expenses. There had been only three applications made to the Commissioners under the Act. In two of these cases they had no jurisdiction; and in the third—the parish of Waterbeach—they stated that they would hold an inquiry on receiving £30 as security for costs; but the applicant did not proceed with the matter.

#### POST OFFICE—TRANSFERRED TELEGRAPH CLERKS.

MR. DILLWYN asked the Secretary to the Treasury, Whether the telegraph clerks who were transferred from the late Companies to the Government service in 1870 are eligible for transfer to the Customs and Inland Revenue Departments?

LORD FREDERICK CAVENDISH: Sir, when a member of the permanent Civil Service is nominated to a situation in it out of the ordinary course of his promotion, he requires a fresh certificate from the Civil Service Commissioners, who may dispense with examination, wholly or partially, and may grant their certificate of qualification upon evidence satisfactory to them that he possesses the requisite knowledge and ability, and is duly qualified in respect of age, health, and character. The statute under which telegraphists were transferred to the Government made them members of the permanent Civil Service. If, therefore, any such telegraphist is nominated for transfer to a situation not in the ordinary course of his promotion—for instance, to one in the Inland Revenue or Customs—he is eligible on the same terms as other Civil servants.

#### SPAIN—COMMERCIAL TREATY.

MR. JACKSON asked the Under Secretary of State for Foreign Affairs, If it is true, as stated in the "Standard" of Wednesday, July 13, that communications have been going on for some time between the Governments of England and Spain, which will probably result in the conclusion of a satisfactory

Treaty of Commerce between the two Countries; and, if so, if he will give the House some information as to the provisions of such Treaty.

SIR CHARLES W. DILKE: Sir, communications have for some time past been taking place between the two Governments with the view to the conclusion of a Commercial Treaty between England and Spain. Formal negotiations, however, have not yet been commenced, as an understanding has not yet been arrived at with respect to the bases of the negotiations.

#### ARMY ORGANIZATION—QUARTERMASTERS.

MR. COCHRAN-PATRICK (for Colonel ALEXANDER) asked the Secretary of State for War, When Quartermasters who have completed ten years' service as such will be gazetted to the rank of Captain?

MR. CHILDERS, in reply, said, that the officers in question would be gazetted to the rank of Captain as soon as the Reports upon them were received and considered.

#### SEEDS ACT, 1880—POSTPONEMENT OF SPECIAL RATE.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the resolutions passed by the boards of guardians in Mayo in reference to the inability of poor farmers indebted for seed to pay the seed rate; and, if he will state what are the intentions of the Government on the subject?

MR. W. E. FORSTER, in reply, said, that he had received several resolutions from Boards of Guardians in Mayo and other parts of Ireland with reference to the inability of poor farmers to pay the instalments of the seed loan. Independent of these resolutions, the Local Government Board were carefully looking into the matter, and he should to-day give Notice of a short Bill enabling the Board in certain cases to allow a postponement to be made.

#### FRANCE—COMMERCIAL TREATY—THE "TARIF A DISCUTER."

MR. W. H. SMITH (for Viscount SANDON) asked the First Lord of the Treasury, Whether he can hold out any

hope of being able to make public the "Tarif à discuter," i.e. the secret terms for the new Commercial Treaty offered by France to England, before the close of the Session, and before Her Majesty's Government finally commits the Country to the acceptance or rejection of the Treaty; whether, during the month which is to elapse before the Anglo-French Commission re-assembles for its final decision, Her Majesty's Government will communicate confidentially to the leading officers of each of the principal Trades Unions (registered under Act of Parliament) concerned with the trades affected by the French Tariff, and so far as it relates to their own trades, the terms above mentioned, i.e. the "Tarif à discuter," in the same manner as these terms have been confidentially communicated by the Foreign Office to Chambers of Commerce and to Manufacturers, in order that Her Majesty's Government may have the advantage of becoming acquainted with the views and practical experience, not only of the master manufacturers, but also of the important and numerous bodies of handicraftsmen, whose wages and means of living will be largely affected by the decision as to a Commercial Treaty with France; and, whether he can inform the House for what period of years it is proposed to conclude the Treaty with France, and if he will provide that either party should be able to free itself from the Treaty with twelve months' notice?

MR. BROADHURST asked the Prime Minister, whether, in the event of this request being granted, there would be any objection to the terms of the Tariff being communicated to trade unions which were not registered, as well as to registered unions?

MR. GLADSTONE: In reference to the Question last put, though I am not able to give a positive reply, I do not know if they can be got at, or why a distinction should be drawn between the two different bodies interested in the matter. I may say, however, in reply to the general question, that much cannot at present be promised in a definite way. One difficulty about communicating the *Tarif à discuter*, as it is called is that it is a document confidentially communicated to us, and to the publication of which the consent of another party is necessary. But there is a more

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serious difficulty still—though I cannot say whether that consent would or would not be obtainable—the difficulty that this document is only the basis of negotiations, and has already undergone material variation; and, consequently, I am afraid it might be taken to be more important than it is, and that it might lead to more misrepresentations than information. It has never been communicated to the Chambers of Commerce; but what has been done has been this—that the deputations that have come up to the Commission have received copies of it from the Commissioners, or such information regarding it as would enable them to take counsel upon the material points to be discussed. The Commissioners have felt it necessary to exercise their best discretion in this matter; but all interested in the matter may rely upon it that the Commissioners are anxious not to take any step without being sure of the ground under their feet. With respect to the last part of the question, the negotiations are not sufficiently advanced to make it possible to say anything as to the precise period for which the Treaty may be concluded; but as to the question whether it will be provided that either party shall be at liberty to withdraw from it after 12 months' notice, I may say that any provisions of that kind would entirely destroy the advantage of having a Treaty, though, of course, there might be a provision of that kind for the lapse of the Treaty at the end of the specified number of years constituting the period of its duration.

#### CHURCH PATRONAGE BILL.

MR. E. STANHOPE said, he desired to ask the Prime Minister, Whether he can hold out the hope that, when the Irish Land Bill had been disposed of, opportunity can be found for a further discussion of the Church Patronage Bill?

MR. ILLINGWORTH said, he would ask the Prime Minister, before answering the Question, to say, Whether one of the conditions on which he undertook to endeavour to find an opportunity for the further discussion of the Bill was not that there should be no considerable opposition to its further progress?

MR. GLADSTONE: Sir, I was not aware that there was any considerable opposition to the Bill in the limited form

to which it has been reduced, and in which it appeared to meet with the very nearly unanimous assent of the House. In cases where we have got the very nearly unanimous assent of the House, there is a strong hope of making progress with a measure, and I thought that that was the case in this instance. Opposition, however, sometimes springs up in different quarters, and manifestations are given different from what was anticipated. I am therefore afraid that if there be considerable opposition to the measure—and this is a point on which I am unable to throw any light—my hon. Friend can have no rational hope of passing it this Session. If the opposition be not considerable, if there be merely a desire for discussion and explanation, after which the decision of the House would be accepted, then I would advise my hon. Friend not absolutely to give up the hope of finding some opening for this modest and exceedingly contracted Bill.

#### LANDLORD AND TENANT (IRELAND) ACT, 1870—THE BESSBOROUGH COMMISSION—THE REPORT AND EVIDENCE.

SIR WILLIAM PALLISER, referring to the answer to his Question, which he said had been read to the House by the Chief Secretary for Ireland, desired to ask him, Whether the Report of the Commission was changed subsequent to the date on which it was signed; if so, whether the right hon. Gentleman would give the date of the alteration; and whether he would give the Return of the dates of the statements, which constituted the rebutting evidence? This was a matter in which the dates were of great importance. If the Commission had signed the Report, not only ought the dates to have been given, but there ought to have been a Memorandum calling attention to the fact.

MR. W. E. FORSTER: I would suggest to the hon. and gallant Member that as we have the advantage of the presence in the House of a Gentleman who was a Member of the Commission, it would be better that the Question should be addressed to that hon. Member.

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## AFFAIRS OF TUNIS—LAND SALES.

THE EARL OF BECTIVE asked the Under Secretary of State for Foreign Affairs, If he is aware that Count de Camondo entered into negotiations for the purchase of an estate in Tunis from Ben Ayad, a British subject, and that he was induced to do so by its being contemplated to sell to Baron Gustavus Rothschild another estate of Ben Ayad's in the vicinity; if he is aware that Baron Rothschild retired from the negotiations for political reasons; but that, on the conditions of sale having been settled with Count de Camondo, M. Roustan stated that no real property in Tunis could be sold without his consent; and, if Her Majesty's Government will draw the attention of the French Government to this gross violation by M. Roustan of the British Conventions of 1863 and 1875, which the French Government have promised to respect? The noble Earl said that on the 13th of June he asked a similar Question to this, and received a very unsatisfactory answer, the hon. Baronet the Under Secretary of State for Foreign Affairs insinuating that he (the Earl of Bective) had not sufficiently investigated the facts. He had been, therefore, compelled to repeat the Question, because he had received information which confirmed him in the opinion that the facts were based on sufficiently trustworthy grounds. [*Cries of "Order!"*]

LORD RANDOLPH CHURCHILL (to the noble Earl): Move the adjournment of the House.

MR. SPEAKER: The noble Earl is entering on a debate on a matter of controversy, and is not confining himself to the explanation of the Question.

THE EARL OF BECTIVE: I do not wish to move the adjournment of the House; but will satisfy myself by simply putting the Question.

SIR CHARLES W. DILKE, in reply, said, he was very sorry if he had said anything to hurt the feelings of the noble Earl; but on the former occasion, perhaps, he did insinuate that the noble Earl had been imposed upon in putting the Question, and he feared that was still the case. The most careful inquiry had failed to satisfy him (Sir Charles W. Dilke) of the truth of the facts of the case. M. Roustan had stated that there was no foundation what-

ever for the story, as far as he was concerned; and M. Gustav de Rothschild informed him that there was no ground for the use of his name. He really thought the noble Earl had been imposed upon.

THE EARL OF BECTIVE said, the hon. Baronet had not answered his inquiries in the least. Had he communicated with Count de Camondo?

SIR CHARLES W. DILKE, in reply, said, he communicated, with reference to the Question, with Mr. Reade, at Tunis, and he said that he was informed by M. Roustan that there was no foundation for the story as far as he was concerned; and, in addition to that, he had received a private letter from M. de Rothschild, who also disavowed any knowledge of the matter. He knew nothing about Count Camondo, or where he was to be found. He had invited the noble Earl to give him any facts he might possess, in order that further inquiries might be made; but that he had failed to do.

## SERBIA—THE COMMERCIAL PAPERS.

SIR H. DRUMMOND WOLFF said, he wished to ask the Under Secretary of State for Foreign Affairs a Question of which he had given private Notice. It was, Why the Servian Commercial Papers delivered to Members that day were commented upon yesterday in a morning paper, and appeared in full in *The Times* of that morning? A complaint of the kind had been made more than once, and an assurance given that such a thing should not recur. He would further ask, Whether the hon. Baronet intended to give a translation of the Paper, which was in French, or whether he would follow the example of the President of the Board of Trade, and refuse to give it?

SIR CHARLES W. DILKE, in reply, said, with regard to the first part of the Question, his hon. Friend was perfectly justified in raising the matter. There was no doubt whatever that an irregularity had occurred; but the Foreign Office was in no sense responsible for the irregularity. The Papers were sent to the Foreign Office on Tuesday night by the printers, and communicated to the newspapers in the usual way. A promise, which was almost invariably observed on these occasions, was given that there would be a distribution in

full on Wednesday morning; but that did not take place. When he (Sir Charles W. Dilke) found that the distribution had not taken place, he directed that some of the Foreign Office copies should be sent to the Library, and an ample supply was at the Vote Office at 2 o'clock yesterday. What had occurred had been in violation of a distinct understanding previously arrived at. It had been the subject of full inquiry, and the blame was entirely with the printers. With respect to the second portion of the Question, his hon. Friend himself pressed for an immediate publication of these Papers; and if a translation had taken place there would have been a delay of several days, and, consequently, he (Sir Charles W. Dilke) thought it best to lay them at once on the Table without translation. If, however, there was any document among the Papers which his hon. Friend thought was of general interest to the House, and worth the expense of translation, there would be no objection to do so.

SIR H. DRUMMOND WOLFF: I think it is worth while to have a translation.

#### PIERS AND HARBOURS (IRELAND)— OUTLAY ON PIERS.

MR. ARTHUR O'CONNOR asked the Financial Secretary to the Treasury, If he will furnish a Return showing the dates on which the Piers Committee entered into contracts for each of the works mentioned in Return No. 244, or handed them over to the Board of Works for execution; the dates on which each work was commenced; and the amounts actually paid on account of each work undertaken by the Board of Works up to the date of the Return mentioned?

LORD FREDERICK CAVENDISH: Sir, the information asked for can be supplied. If the hon. Member will communicate with me, I will arrange with him the form of a Return in which it can best be given.

MR. NORTHCOTE AND MR. BIGGAR.

MR. NORTHCOTE: I am sorry, Sir, to interpose between the House and the further consideration of the Land Law (Ireland) Bill in Committee; but I hope the House will allow me to say a word on a matter personal to myself. I am

never disposed to attach too much importance to words which fall from an hon. Member in the heat of debate; but I find yesterday, in my absence, the hon. Member for Cavan (Mr. Biggar), as reported in *The Standard*, said that the hon. Member for Exeter (Mr. Northcote) was the representative of a Company connected with Minnesota, and, therefore, represented a number of swindlers. [MR. BIGGAR: I never said that.] If the hon. Member disclaims the use of the words, I have nothing more to say; but, according to the report in *The Standard*, it would appear that the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson) rose to Order, and asked whether the hon. Member was entitled to say that any Member of the House was the representative of swindlers? The Chairman replied that he had not heard those words; but that, if they were employed, they were certainly out of Order; and the hon. Member for Cavan thereupon withdrew the charge to a certain extent as regards myself, saying that I was an unsuspecting Gentleman, who would not wilfully do an unworthy thing; but that anyone knew that a scheme which came from the United States would not be perfectly sound. I do not know why the hon. Member should manifest such a feeling against schemes coming from the United States, unless, possibly, the subscriptions to the Land League may have recently decreased. If the hon. Member had simply confined himself to calling me a swindler, knowing the hon. Gentleman's predilection for strong language, I should have then left the matter entirely unnoticed. But, Sir, I feel with respect to the gentlemen with whom I am connected in this matter that their character deserves some defence at my hands, because they are gentlemen as honourable and honest as the hon. Member for Cavan himself. The hon. Member would not have ventured to say what he has said if he were not protected by his Parliamentary privilege. I will merely mention the names of one or two of the gentlemen of whom the hon. Member has said that they were dishonest *ex necessitate*. One of them is the son of a gentleman well known to many hon. Members of this House, Sir John Rose, ex-Finance Minister of Canada, a gentleman of high honour and integrity. Another is Mr. Pascoe Grenfell, who is a personal con-

nection of a member of the firm of Glyn, Mills, Currie, and Co.—a tolerably well-known house, and who has long been the head of a large and important house in the City. The President of the Company has been for many years President of the Bank of Montreal, and is a near connection of mine by marriage, and a gentleman of the highest and most stainless honour. Of the other Members of the Company I will merely say that they are gentlemen against whose character not one word was breathed in the Dominion when the Canadian Pacific Railway contract was under discussion. I am, therefore, entitled to call upon the hon. Member to withdraw or to substantiate the charges which he has made. I should like to say one single word as to why I have alluded to my personal connection with the Company. As a young Member of the House, and as the Representative of an English constituency, I would otherwise not have intruded on the discussion of the Irish Land Bill; and I think it only respectful to the Committee to state why, having some knowledge of the country the hon. Member for Kirkcaldy had referred to, I ventured to address it. I do not wish to say anything personally offensive to the hon. Member for Cavan, or to do anything more than clear the character of my associates. I venture, with some confidence, to leave my own character in the hands of the House.

MR. BIGGAR: I really, Mr. Speaker, do not know exactly what the hon. Gentleman wishes me to do. If I have said anything un-Parliamentary with respect to him, I shall be very glad to apologize; but, so far from making any personal attack, I distinctly said I did not mean to do so. The report of my remarks which has been referred to as appearing in *The Standard* was only a summary of what I really did say, or was supposed to say. It certainly did not convey a correct idea of what I intended to say, or of what I believe I did say. I was careful in my opening remarks to say, with regard to these American Companies, that the fact that the hon. Gentleman had acknowledged in his speech that he was personally interested in them proved his thorough honesty and guilelessness, and that he did not intend to mislead the Committee. I was particularly careful not to make any charge against the hon. Gentleman. I neither did so, nor

did I intend to do so. But the hon. Gentleman now asks me to do a thing of an entirely different nature, and to disavow an expression of opinion which I have used with regard to parties whom the hon. Gentleman knows, and of whom I confess I know nothing. I think, Mr. Speaker, I was justified in saying what I did. It is notorious that the great bulk of the promoters of public Companies in this City are simply adventurers. ["Oh, oh!"] That is my opinion, and I think I was thoroughly justified in saying that the fact that a Company was promoted in London for the purpose of land-jobbing in Canada proved that its original promoters, whoever they were—and I have not yet been told who they were—were persons of a dishonest character. I simply intended to convey the idea, and I think I was justified in doing so, that the hon. Member for Exeter is the dupe of designing persons, who used his name and high character for the purpose of promoting their dishonest ends.

Afterwards—

MR. GLADSTONE: I cannot help referring, Sir, to that which occurred a moment ago, and I think I may be justified in saying a word or two in regard to the explanation, if it is to be so termed, of the hon. Member for Cavan (Mr. Biggar). I own I was for a moment perplexed by it, and said to myself, What does this mean? What is it intended to imply? What is the idea of the hon. Member of the privileges of Parliament? And does the hon. Member, who offers an explanation of that kind, think that it can either give any satisfaction to those who are the subjects of it, or that it can by any possibility be regarded as anything but a serious aggravation of the original offence? As I understand the hon. Member, he placed before us prominently two propositions or points. One is that, in his opinion, the promoters of public Companies in this City are generally dishonest. That is a proposition with regard to which I need not say that it may be reasonable or unreasonable, it may be charitable or uncharitable, but from its great breadth and scope, it is hardly capable of being understood as offensive to any particular individual personally. Sweeping charges are sometimes made

against this House; but if they are made against the entire House, we do not feel warranted in treating them as personal imputations on ourselves individually. But, unfortunately, if I understood the matter rightly, the hon. Member did not stop at that point. He went further, and said of one of the Companies—that with which the hon. Member for Exeter (Mr. Northcote) is connected—that of itself it nearly amounted to a demonstration that those who promoted it were dishonest persons, and it appears that in a former discussion he had applied to them an epithet stronger still. Undoubtedly, that declaration of the hon. Member for Cavan, in my judgment—and I wish to look at it dispassionately—does fix upon the character of the hon. Member for Exeter and of those honourable gentlemen a stigma of the most serious kind. What are the facts as they appear upon the statement of the hon. Member for Cavan himself? The principal fact is that the hon. Member has stated that about those gentlemen he knows nothing. Now, Sir, as a Member of Parliament, I ask is it for the honour of the House—and as a matter deeply concerning the honour of the House, I do not ask it to arrive at a precipitate decision, but I wish to make some impression on the mind of the hon. Member for Cavan himself—I say, is it for the character or honour of the House that it should be permitted to an hon. Member within its walls to stigmatize as dishonest persons gentlemen outside these walls of whom the person so stigmatizing them is obliged at the same time to confess that personally he has no knowledge whatever of them? My opinion, which I think must be that of a majority of those who hear me, is that an Assembly which allows such things to be deliberately stated and persistently adhered to is not sufficiently careful of its own character and reputation, and exposes itself to the possible reproach that it allows its privileges—privileges granted to it and possessed by it solely for purposes of public utility—to be made the vehicles of gross injustice, which might, perhaps, be deserving a much more severe name, as far as the character of the House is concerned.

MR. NORTHCOTE: After the generous language of the Prime Minister, I feel that my object is entirely achieved. I simply brought the matter forward in

the interest of my friends, and I am completely satisfied with their vindication. I hope the matter will not proceed further.

#### LAND LAW (IRELAND) BILL—THE EMIGRATION CLAUSE.

MR. SHAW asked the Prime Minister, Whether he intended to persevere with the Emigration Clause of the Land Law (Ireland) Bill, or whether it would be postponed?

MR. R. POWER said, he might, perhaps, ask the right hon. Gentleman, If his attention had been called to a meeting lately held in the city of Kilkenny, at which a resolution was unanimously adopted strongly condemning the Emigration Clause in the Land Law (Ireland) Bill; and, would he consent to postpone the clause until the sense of Ireland could be taken with regard to it?

MR. HEALY asked whether the right hon. Gentleman, in the event of his proceeding with the clause, would mention the exact sum he intended to place at the disposal of the Commissioners for the purposes of emigration?

MR. GLADSTONE: I do not think, Sir, that there would be any advantage in my stating at this moment the exact sum which we may think ourselves justified in proposing for the purpose referred to. If, however, we are pressed, we shall be prepared to do so; but I think the matter had better be allowed to stand over till the proper time. With respect to the meeting at Kilkenny, my attention has not been called to it, nor, with all possible respect to that ancient city and its beautiful site, could I regard a meeting there as a conclusive demonstration of the sentiments of the Irish people. With regard to the Question of the hon. Member for the County of Cork (Mr. Shaw), no doubt it has reference to, and is entirely justified by, the element of uncertainty which I myself introduced into the debate in respect of the clause. I said, in the course of a previous debate, that we should look with great interest and anxiety for a pretty free manifestation of the sentiments of the Representatives of Ireland on the subject. I consider that we have now obtained that information in an adequate degree; and inasmuch as it was the only point to which I adverted as remaining in order to bring full conviction to our minds,

my reply is that, undoubtedly, I have derived, and my Colleagues have derived, from the protracted discussion upon this clause a strong conviction that the opinion of the large majority of the Irish Representatives is favourable to the clause. We will, therefore, while paying all due respect to any Amendments which may be suggested in the language of the clause, both adhere to it, and endeavour to procure its acceptance by the Committee at the earliest possible moment.

MR. PARNELL said, that, in reference to the statement just made by the Prime Minister upon the Emigration Clause, that by the discussions on the clause he had ascertained that a large majority of Irish Members were in favour of the clause, he would wish to ask the right hon. Gentleman whether he was aware the Chairman of Committees, in the exercise of his discretion, had persistently, up to the present moment, ruled out of Order any general discussion on the clause? He (Mr. Parnell) had himself been anxious to express his opinion as to the merits of the clause as a whole, but had been prevented. What he now wished to ask the Prime Minister was, whether, if a division should be taken as to the merits of the clause as a whole, and if in the division a majority of the Irish Members present should vote against the clause, he would be prepared to reconsider before the Report the expediency of persisting in the proposal? Inasmuch as no general discussion on the clause had yet taken place, he thought the judgment which the right hon. Gentleman had formed as to the direction of Irish opinion was, to say the least, premature.

MR. GORST: Before the right hon. Gentleman answers this Question, I should like to ask whether he has been informed by his Colleagues of what took place while he was absent from the House yesterday — namely, that the Chairman of Committees distinctly ruled speeches made in support of the clause to be in Order, and any speeches made in opposition to the clause to be out of Order?

MR. SPEAKER: I must point out to the House the great irregularity of this discussion. It is being attempted to review the course taken in Committee of his House on the Land Law (Ireland) Bill. The House is now supposed to be hindered in asking Questions, and to de-

bate the proceedings of the Committee would be altogether out of Order.

MR. PARNELL: I would ask, Sir, as a point of Order, whether the course taken by the Prime Minister, in stating that the opinion of the majority of Irish Members was in favour of the clause, was not a distinct imitation of the attempt you have just deprecated, to review the course of the proceedings in Committee on this clause?

MR. GLADSTONE: It is perhaps due from me to the House that I should make an apology in this matter. I was certainly of opinion that, considering the nature of the case, and considering that a declaration of my own had tended to throw some uncertainty over debates which are prolonged and protracted, a single word from me, not arguing anything, but simply stating that the Government had now arrived at a conviction which they had not arrived at before, it might be for the convenience of the House. That was the whole aim and substance of what I stated. To enter into the reasons of that conviction and the means by which we had arrived at that state of mind would be entirely beyond an indulgence the House might be disposed to grant me, even if you, Sir, would tolerate it from the Chair. Therefore, I must ask the hon. Member to wait until we get into Committee for any further explanations.

MR. PARNELL again asked the right hon. Gentleman whether, if the division on the Emigration Clause should show a majority of Irish Members against it, he would reconsider the question of retaining the clause before the Report?

MR. GLADSTONE: Sir, this is a Question which the hon. Gentlemen would be perfectly justified in putting if such a case ever arose; but I must say that it is quite impossible for me to give the hon. Member an answer now as to what we would do in a contingency which we have ceased to anticipate.

MR. CALLAN asked whether it was competent to discuss the merits of a clause before the Amendments were moved?

MR. SPEAKER: The hon. Member is putting to me a Question which should more properly be put to the Chairman.

In reply to Sir JOSEPH M'KENNA,

MR. GLADSTONE said, it was never intended to interfere with the free choice

*J. Gladstone*

of the emigrant to proceed to any part of the world he might wish.

PARLIAMENT—RULES AND ORDERS—  
THE PARLIAMENTARY OATH—MR.  
BRADLAUGH.

VISCOUNT FOLKESTONE: Mr. Speaker, I wish to ask, Whether it is true, as stated in the daily papers, that Mr. Bradlaugh has written to you, saying that he is to present himself at the Bar of the House for the purpose of taking the Oath on the 3rd of August next, regardless of any physical force that may be used against him?

MR. SPEAKER: I have received a notification from Mr. Bradlaugh to the effect that he intends to present himself at the Table of the House; but I cannot say from recollection whether it contains the precise particulars stated by the noble Lord. I may say that a similar notice has been served upon the Clerk of the House and the Serjeant at Arms; but I do not consider it necessary either to lay the notice before the House or to take any action upon it.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr.  
Attorney General for Ireland, Mr. Solicitor  
General for Ireland.)

COMMITTEE. [TWENTY-SEVENTH NIGHT.]  
[Progress 13th July.]

Bill considered in Committee.  
(In the Committee.)

PART V.

ACQUISITION OF LAND BY TENANTS, RE-  
CLAMATION OF LAND, AND EMIGRATION.

*Reclamation of Land and Emigration.*

Clause 26 (Emigration).

Amendment proposed,

In page 18, lines 14 and 15, to leave out the words "on behalf of the Dominion of Canada or any Province thereof or."—(Mr. William Edward Forster.)

Question again proposed, "That the words proposed to be left out stand part of the Clause."

SIR JOSEPH M'KENNA: Before the Question is put, I beg to say that I have handed in an Amendment which will take precedence of it.

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THE CHAIRMAN: The Question I have put is in possession of the Committee. Therefore the hon. Member cannot do what he proposes.

MR. BIGGAR said, he should like to put a question as to a statement which appeared in *The Echo* of last night, to the effect that Her Majesty's Government had been in negotiation with the Government of Canada on the subject of emigration to that country. He wished to know whether that statement was true? He thought the question fairly arose on the Amendment before the Committee.

SIR GEORGE CAMPBELL said, he was glad the Chief Secretary for Ireland had seen his way to propose this Amendment, because it took the sting out of the objection to the clause. He should like to ask whether the right hon. Gentleman could not see his way to going a little further, and not only strike out the words "Dominion of Canada," but also the word "British?" The object of the clause was to assist emigration; therefore, it was extremely undesirable that they should maintain the words "British Colonies" in it, as implying that these places had advantages over every other country in the world.

THE CHAIRMAN: I must point out that the hon. Member is discussing that which forms a distinct Amendment a little lower down.

MR. BIGGAR: I asked a question just now, but have received no reply.

MR. GLADSTONE: It is not the fact that any understanding has taken place between Her Majesty's Government and the Government of the Dominion of Canada which would in any degree approach the character of such negotiation. An intimation was conveyed to Her Majesty's Government, and, I think, by a Gentleman connected with the Dominion of Canada, of the desire of the Canadian Government that emigration should be promoted to that country; but the intimation was in general terms, and it in no way had reference to the terms of this Amendment. My answer to the hon. Member's question must be distinctly in the negative.

SIR JOSEPH M'KENNA said, that at that stage he might say a few words which, if the right hon. Gentleman would answer them, would save all further trouble. He and other hon. Members had no objection to the clause stand-

ing as a clause to assist emigration, because he thought that such a provision might in certain cases be eminently useful; but he would direct the attention of the Prime Minister to the fact that the main object of the clause was to remedy the congested state of the Irish population. Could he not, therefore, consent to enable assistance to be given, on the production of proper security, to persons to go to any part of the world they might choose to emigrate to? If the Government gave a satisfactory answer, or if the right hon. Gentleman entertained the same view as he (Sir Joseph M'Kenna) did, it might save the right hon. Gentleman a great deal of trouble.

THE CHAIRMAN: I must point out to the hon. Member that all these points can be raised on a subsequent Amendment.

SIR JOSEPH M'KENNA said, he admitted that was so; but the question came in as the consequence of this Amendment. He thought it desirable that they should know what they were discussing, and to what this clause would lead.

MR. GLADSTONE: I think, later on, we shall be able to show that the wording of the clause does not confine us in any manner whatever as to the Company or body with which we may enter into arrangements for the purpose of emigration, or as to the quarter to which emigration may go.

MR. BIGGAR said, the hon. Member for Youghal (Sir Joseph M'Kenna) seemed to speak on behalf of some other Members. He (Mr. Biggar) did not know who the hon. Member represented in that matter; but certainly a substantial portion of the Irish Members were opposed to any Government scheme of emigration whatever.

Question put, and *negatived*; words *struck out* accordingly.

SIR JOSEPH M'KENNA said, he had put in an Amendment, which came in after these words, and left the clause in a general state, so that assistance might be given to anybody, on security to be approved of by the Government, to enable persons to emigrate to any part of the world.

Amendment proposed, in page 18, line 15, to strike out all the words from the word "on" to the word "satisfied," in line 19, inclusive.—(Sir Joseph M'Kenna.)

*Sir Joseph M'Kenna*

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR JOSEPH M'KENNA said, that if the Prime Minister could suggest any other words which would carry out his object, and would bring them up on Report, he should be very glad to withdraw his proposal.

MR. GLADSTONE: Without examining minutely into the terms of the clause, I should say that the words contained in it would enable any foreign Government to appoint a public body to arrange for emigration from Ireland to its territories. If any foreign State chose to enter into this matter, the first step it would take would be to appoint some body or organ for carrying on the negotiations. Of course, no step of this kind would be taken by any Department of a foreign State.

MR. T. P. O'CONNOR said, the Amendment was altogether fallacious. As the clause would stand, if they kept within the lines accepted by the Prime Minister, they would have one particular class of Governments mentioned, and another particular class of Governments practically excluded, that exclusion being as well defined and intelligible as the inclusion of the other class of Companies or bodies. They would exclude the United States expressly by the terms in which they included the Governments of our own Dependencies. The right hon. Gentleman said that foreign Governments could put forward public bodies; but what was the meaning of that statement? If it were wrong for a Government to take upon itself the duty of an emigration agent, and if it were necessary for a Government, instead of doing this work itself, to perform the duty through a public Company, why not leave the Canadian Government to work through the medium of a Company as well as the United States? There was no use in beating about the bush in this way. Let the Prime Minister, or any other Minister of the Crown, get up, and say whether it was intended to give a preference to the British Dominions over every other part of the world. Let them say this, for the Committee had a right to demand frankness and candour from Her Majesty's Government on this matter. He need not tell the greatest financier in the country that the guarantee of a State was a very

different thing to the guarantee of a Company. The guarantee of a solvent State would carry with it in the money market an amount of security and confidence that no public Company could carry, no matter how high its position or how solvent it might be. Accordingly, if they had on one side the guarantee of a Government, and on the other side the guarantee of private Companies, it was obvious they were giving an immense advantage to the country which acted through its Government. Let the Government say plainly what they intended to do, and do not let them try by a side wind, and by omissions, to do a thing of this kind.

MR. W. E. FORSTER: What hon. Gentlemen desire is this, that we should insert the words "on behalf of a foreign State."

SIR JOSEPH M'KENNA: That is not the Amendment before us. It is to strike out certain words.

MR. W. E. FORSTER: It would be just the same—to insert words in the clause giving power to contract with a foreign State. The clause is so worded that if there be any responsible public body for making arrangements for emigration, the Commissioners have power to negotiate with it. That would fulfil the object hon. Members have in view. It is a notorious fact that almost every one of our Colonies, especially Colonies inhabited by our own race, are more or less anxious to have their numbers recruited from the United Kingdom. Therefore, we take it for granted that, with them, some arrangement might be made. We have no authority for saying, and it would be presumptuous to suppose, that similar arrangements could be made with foreign States.

MR. PARNELL said, he thought it would be very desirable if power were given to the Commissioners to allow emigration to countries to which Irishmen would like to go, if they were to emigrate at all; and he therefore thought it would be desirable that they should give power to the Commission to make arrangements with foreign States. The land open for settlement in America was held in three ways. It was held by States Governments; it was held by the Federal Government; and it was held by speculative Companies—in many cases Railway Companies. These Railway Companies had obtained large grants of

land in alternate sections along their lines of railway, and they offered these sections for settlement to the emigrants who might demand them. But the land that had been obtained by Railway Companies was not open to settlement on the same terms or conditions, or in the same way as the land which was in the possession of either the United States Government, or, in some cases, in the possession of the States Governments. The land which belonged to Railway Companies, and with regard to which Companies, of course, could deal with the Commission under the proposal of the Chief Secretary to the Lord Lieutenant, was land for which they had very often given some value, either in the shape of money, or in the shape of making a railway through it as the condition of the grant. All these Companies exacted a price, more or less, for permission to locate on this land; but it was not so with regard to the land in the possession of the United States Government. It was open to a person to locate upon it and cultivate it to the extent of 160 acres, free of all rent or charge. There was a great deal of this description of land still in the hands of the Federal Government of the United States, and still open for location. There was land of this kind along all the lines of railway, of which the Federal Government had retained every alternate section. These alternate sections were open for location, free of all rent, to the extent of 160 acres, by everybody who came over and would consent to live upon it, build upon it, and improve it. But as to the alternate sections belonging to the Railway Companies, these were either let for speculation, or, in other cases, had passed out of the hands of the Railway Companies and had got into the hands of other Companies, who held land for speculative purposes. The Railway Companies charge so many dollars per acre to the emigrant or other settler who settled down upon the land. Now, he felt convinced, with regard to the land in the hands of the States authorities, that there were many State Governments that would be extremely glad to make arrangements with the Land Commission for the purpose of taking out emigrants from Ireland. As an example, he might mention the State of Virginia. He knew for a fact that that State was exceedingly anxious to bring emigrants out; and it



would be most desirable to allow them to do so under the terms of this clause, because the State of Virginia had a climate peculiarly suitable to Irish people. The winter climate—which Irish people feared most in America—was in Virginia very similar to that which prevailed in their own country. Well, this State Government, he was sure, and he did not doubt that other State Governments would be anxious to make some arrangement with the Land Commission for the purpose of setting on foot an emigration of the character he had indicated, and in many cases they would be able to give grants of land to the settlers. He would therefore ask the Prime Minister to allow this clause to be amended in such a way as to make such transactions possible, otherwise they would shut out the right of anybody in the United States to avail themselves of this clause, except the speculative Companies, which would be sure to charge a settler so many dollars per acre for the land occupied.

THE CHAIRMAN: I think it would be for the convenience of the Committee to point out what this Amendment is. The Amendment has been handed in in manuscript, and, if it is accepted, the clause will read thus—

“The Land Commission may from time to time, with the concurrence of the Treasury, enter into agreements with any person, or body of persons, having authority to contract for an advance by the Commission by way of loan, out of moneys in their hands, of such sums as the Commission may think it desirable to expend in promoting emigration from Ireland.”

The clause, in this way, does not say anything about Foreign States.

MR. GLADSTONE: It seems to me that the words “any person, or body of persons, having authority to contract” for an advance from the Commission are very vague. What is “authority to contract?” Everyone, without this stipulation in an Act of Parliament, has authority to contract for himself if he chooses. But, as the Amendment has been moved, it enables me to say what are the intentions of the Government, and how we propose the clause to work. The Committee has had a declaration already from my right hon. Friend, and now it has another from myself, that it would be entirely unusual, and it might, perhaps, lay the British Legislature open to rebuff or severe criticism, were

we to name, without invitation, foreign States in a clause of this kind—were we to offer them an advance of money. That is our proposition on the one side. The Government, however, do not at all desire to prevent transactions of the kind described by the hon. Member for the City of Cork, if there should be a disposition to enter into them on the part of foreign States. Nay, more. I will go one step further and say there is no intention on the part of Her Majesty’s Government to give preference to one State or Colony over another State or Colony. There is no intention, either expressed or implied, in the clause that people shall be allowed to go to one Colony on more favourable terms, and to another on less favourable terms. We are not here to promote the welfare of any Colony at the expense of the emigrants. We want to do what is the best for the emigrants; and, therefore, the whole question resolves itself into one of verbal expression. Let me suppose a case. Suppose a State such as those referred to by the hon. Member for the City of Cork (Mr. Parnell) were to desire to enter into some arrangement of this kind with the Land Commission, the first thing the State would do would be to constitute some Corporation adequately guaranteed and authorized, and the Corporation so constituted would either directly, or, if it were permitted by the Constitution of the United States, through the Government of the United States, enter into communication with us. It may be a public Company, or it may not; but, at any rate, it would be a public body, and as such would be covered by the words of the clause. The Commission will have power to negotiate with them to make any arrangement that may appear satisfactory.

SIR JOSEPH M’KENNA said, he had no desire to go further with the Amendment, after that statement from the Prime Minister; but great objection was taken to naming specifically one State without naming others. His proposal was merely to strike out certain words, and he had not as yet proposed to supply any words of his own. He had prepared some words that would make the clause read according to his view; but he did not bring them forward now. He merely wished to point out the words to which he took exception. He would

*Mr. Parnell*

still urge upon the Government to assure the Committee that they would not indicate in the clause itself any particular State or any particular Colony, so that they would not appear to give precedence or priority under this Act to any one destination for emigration over another.

MR. SHAW said, he thought the words of the clause would imply any public Company or body within the British Dominions, and he would suggest that the words "within or not within" a British Colony should be inserted. He would point out to his hon. Friends opposite that their object all along had been to limit this emigration scheme; but now they were seeking to introduce Amendments which, he was afraid, would give a great stimulus to emigration. They were really advancing emigration; and he viewed with great alarm the extension of facilities for going to America. They could not spare the people from his part of Ireland, and Irish Members ought not to be anxious to get rid of their countrymen.

SIR GEORGE CAMPBELL said, it seemed to him that the declaration of the Government was most satisfactory, and that the question had now resolved itself into one of mere phraseology. He certainly should recommend that no apparent preference should be given to Canada or any other place. There was a mountainous region running through the Western States of America, where there was both temperate summer and winter, and it would be desirable that people should be allowed to emigrate there if they thought fit. He should be very sorry to see any words retained which would seem to give any kind of preference to a British Colony or Dependency.

SIR JOSEPH McKENNA said, he should like to correct an impression in the mind of the Prime Minister. He did not formally withdraw his Amendment; but he said he would have no objection to withdraw it. He would not encumber the discussion with the Amendment if the right hon. Gentleman agreed to accept its principle. Well, the right hon. Gentleman had done so; but he still wished to impress upon him that in Ireland they were very much in the habit of being guided by the tone as well as by the words of a measure. If reference to the British Colonies was

retained in the Bill, and no other States were mentioned, it would be looked upon as giving a priority, which he knew was not the Prime Minister's intention. He would ask the right hon. Gentleman to make the words general, including emigration to a British Colony or to any other part of the world. If that were done he would withdraw the Amendment, which he merely maintained because it was as good a proposal as any other on which to discuss this matter.

MR. T. O. THOMPSON said, the best plan would be to have no limitation whatever. They were on the point of establishing a Commission which was to be chosen from some of the best men in the United Kingdom, and this Commission would be responsible not only to the Government, but to the country. Well, if they appointed such a Commission, why should they not intrust them with discretion and every power necessary for making the arrangements for emigration? He did not support this clause now; in fact, he rather thought that it would be desirable to put words in line 13, after the word "Treasury"—

THE CHAIRMAN: That part of the clause is passed.

MR. T. O. THOMPSON said, he merely wished to point out that which was necessary to make his argument clear. They should say in the clause that—

"The Land Commission may from time to time, with the concurrence of the Treasury, advance such sums as they think desirable to expend in promoting emigration from Ireland."

If any States or countries whatever were named in the Bill, it was possible that other countries and States would imagine that they were excluded. It was possible that in a few years' time it might be undesirable for emigration to take place to the country that had been named. There might be some alteration in the laws of nature, or some alteration in the position of the country, which would render it undesirable to send emigrants to it. Let them trust the people they were going to appoint—let them leave the matter entirely in their hands.

MR. R. POWER said, he agreed with the hon. Member for the City of Cork (Mr. Parnell) that their point should be to enable the people as far as possible to go to the United States of America. The reason was that, in the first place,

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they believed the people could get on better there than in Canada. Then, a great number of the friends and families of intending emigrants had already preceded them to the United States, and it would be a great advantage for them to go to a country where there were friends and relatives to meet and help them. Talking about emigration to Canada and the United States, he had just received a Return, issued in June, with regard to the number of emigrants which had left Liverpool. The total number of emigrants leaving in the month to which the Return referred was 26,638. Of that number 22,565 were going to the United States, 4 were going to Australia, 193 were going to South America, 7 were going to the East Indies, 10 to the West Indies, 25 to China, and 31 to Africa, so that they had not a single emigrant going to Canada. That, he thought, was the very strongest reason why they should not retain any special reference to Canada in the clause.

MR. CARTWRIGHT said, hon. Members opposite objected that the clause as it stood would give a preference to one country over another; but the whole argument of the hon. Member for Waterford (Mr. R. Power) was in favour of a special preference being given to a particular country. The hon. Member had distinctly stated that the object his Friends had in view was to strike out words from the clause which, in their opinion, might possibly operate against people emigrating to the United States, which was the single place to which they wished them to go.

MR. WARTON proposed the insertion of words to embrace "any foreign nation or British Colony, or any State, or district of such nation or Colony."

MR. W. E. FORSTER: I do not think we have a right to take it for granted that any foreign Power wishes to borrow money from us. On the other hand, we do not wish to appear to give preference either to Canada or the United States, or any country or district whatever. If there be a desire—and I think there can be no doubt that there is—to arrive at a point at which we can have a fair discussion, I would throw out the suggestion that we should shorten matters a great deal if both sides of the Committee were to consider what our view was in bringing the clause forward. We do not wish to point specially

to any Colony or to any State; and our view, perhaps, might be better carried out by striking out, not so many words as the hon. Member for Youghal suggests, because that would leave us in a position of neglecting to say who the Companies or bodies are to act in behalf of, but such words as would make the clause run in this way—

"Having authority to contract on behalf of any country or public body in whose constitution the Land Commission shall have confidence."

SIR JOSEPH M'KENNA said, he would accept the right hon. Gentleman's suggestion unconditionally, and should be willing to withdraw his Amendment.

MR. LEAMY said, his hon. Friend (Mr. R. Power) had been misunderstood. He had not desired to exhibit any special preference for America; but all he wished was that words should be taken out which seemed to give an advantage to one country over another. His hon. Friend had merely quoted facts to show that if the Irish people had their choice they would go to the United States instead of Canada. So far as he (Mr. Leamy) was concerned, he would much rather see the Land Commission deal with the agent of a State, whether British or foreign, than with the agent of a private Company. It was said—"Why should you mention a foreign State when you do not know whether it would be agreeable to such State to be mentioned in the Act?" But in 11 § 12 *Fict.* power was given to advance money to send out emigrants to Canada "or any foreign State." Why had Parliament put in the words "any foreign State" there in that Act?

MR. W. E. FORSTER said, the words had only been inserted to enable people to go to any foreign State if they desired it.

MR. LEAMY said that was true; but an emigrant would not go to a foreign State if that State would not take him. He wished to see the words "any foreign State" in the clause, because Irishmen would have a great deal of confidence in an agent appointed by the United States, and they did not know whether their countrymen would be safe in the hands of an agent of a public Company. Public Companies would not take out emigrants without making a profit by the transaction. They would try to make as much as they could out of these poor

*Mr. R. Power*

people, and would not consider anyone's interest but their own.

MR. GLADSTONE: If the hon. Member will allow us to strike out these words, he can then bring forward any proposal he thinks desirable.

MR. PARNELL said, the proposal of the Government removed, to a considerable extent, the objection of himself and his Friends. As long as they left those words in, it would be taken as a sort of direction to the Land Commission to send the tide of emigration as much as possible to the British Colonies. He was not at all sure that the expression a "public body" would comprise a State Government. Of course, the Prime Minister had better information and better knowledge as to the constitution of the United States than he had; but he did not think it was the practice in America for a State Government, or a State Legislature, to form itself into a public Company. He had never heard of any such a thing being done. Public Companies were usually formed for the purpose of profit, and they applied, as was the case in this country, for Acts authorizing their formation. But he should not think that an American State would be at all likely to have a public Company under its control for the purpose of promoting emigration. If the Government would allow the clause to run in this way it would meet any remaining objection he had on this point—"to any Government, public body, or public Company."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, if these words were struck out there could be no doubt that the words "public body" would include a State Government. A "public body" was put in the clause in contrast to "public Company," and possibly it would obviate still further any objection there might be if the words "public body" were put before the words "public Company." There could be no doubt then that a "public body" was something quite different to "public Company."

MR. A. M. SULLIVAN said, he saw very great reasons why there should be an etiquette observed in dealing with foreign Governments in this matter. It was one thing to lend money to a Board of Guardians to enable them to assist a person to go to any country in the world; but it was quite a different thing in an Act of Parliament to offer to lend money

to foreign Governments. Some of them might say—"We don't want to borrow money from Great Britain;" and he would, therefore, suggest, as the matter had become merely one of a phrase, that they should use the words "public authority."

MR. W. E. FORSTER: What we want is that, without appearing to set forth that we suppose foreign Governments are going to borrow money from us, we should give power to the Land Commission to arrange for emigration to take place to places where it may be best for the emigrants to go to. No doubt, as has been pointed out by an hon. Member opposite, it would be as well, as they have so many relations in the United States, that many of these Irish emigrants should be allowed to go there. Suppose we put in these words—"having authority to contract on behalf of any public body or public Company." ["No, no!"] If hon. Members object to it, they can take a division on the point at the proper time. We are advised, by those who are well informed on the matter, that that would cover a State of America; but if there were found to be any reasonable doubt about this, we pledge ourselves, at a future stage, to amend the clause.

MR. BARING said, that when he lived in New York there was a body of Commissioners of Emigration organized by the State. There was the same in the State of Massachusetts, and he believed that both these organizations would be included in the words "public body." The States need not be named at all.

MR. W. M. TORRENS pointed out that they had committed an error of this kind as to the word "Government" in an Act they had passed—the Extradition Treaty—for securing peace and concord amongst nations, and the unfortunate result had been to cause difficulty between our Government and the Government of the United States. When the Act was framed they did not think for a moment that they would be interfering with the *amour propre* of the United States; but, seemingly, the United States had taken a very different view of the words they had used to that taken by themselves. He mentioned this only to confirm the right hon. Gentleman below him in his suggestion for leaving out these words. He quite concurred with

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what the last speaker had said—that they would find in every country where they were at all likely to transfer a portion of their population a body far below, in point of power, the Government of the State—Commissioners of Emigration, for instance—that would be quite adequate for their purpose.

MR. DAWSON thought they were now coming to a very narrow issue on the matter. He would point out to the Prime Minister that this Emigration Clause ought to be free from all commercial aspects. A commercial tinge had been given to it which it never ought to have had, as it was essentially a social matter. If they left out the word "Company" altogether it would deprive the clause of this commercial aspect.

MR. W. E. FORSTER: Might I suggest to the hon. Member (Mr. Dawson), who, I believe, wishes to facilitate the progress of this measure, that we should take these questions separately? We wish now to omit from the clause anything which points specially to any Colony or State. That will be moved if the hon. Member for Youghal (Sir Joseph M'Kenna) will withdraw his Amendment.

SIR JOSEPH M'KENNA: I have withdrawn it.

THE CHAIRMAN: The Amendment is not withdrawn yet.

MR. W. E. FORSTER: On its withdrawal I shall propose to omit the words after "any" in line 15 to "any" in line 17, and to insert "on behalf of any public body or." Then the question whether we should insert "public Company" or not can be discussed. Undoubtedly, we are all agreed that if we amend the clause in this form, "public body" ought to come first.

MR. WARTON thought the Amendment would read rather awkwardly, because the word "body" they had already passed in line 14.

MR. HEALY said, the objection of the Irish Members had been to the preferential word "British;" and he thought the difficulty might be met by making the clause read thus—

"The Land Commission may from time to time, with the concurrence of the Treasury, enter into any agreements with any person or body of persons having authority to contract on behalf of any Colony or Dependency, or any State or other district, or on behalf of any public Company or other public body, &c."

Mr. W. M. Torrens

If this were done, it could not be said that they were offending the *amour propre* of any State, because then they would not have given a preference to any British Possession.

MR. W. E. FORSTER: We must take care that we do not get into a mere verbal discussion. What we have suggested we really believe carries out the view of both sides of the Committee, and I do not think we can do more than say that if, on examination, there appears to be any legal objection to our proposal, we will take care to amend it. We do not like to leave in the word "State," because we think that if it means anything, it means a Government.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER: Now, I move to omit the words of which I have spoken.

Amendment proposed,

In page 18, to omit all the words from "any" in line 15 to "any" inclusive in line 17, for the purpose of inserting "public body or."—(Mr. W. E. Forster.)

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived*.

Question proposed, "That those words be there inserted."

SIR GEORGE CAMPBELL proposed to amend the Amendment by omitting the word "or."

Amendment proposed to the said proposed Amendment, to leave out the word "or."—(Sir George Campbell.)

Amendment *agreed to*; word *struck out* accordingly.

Amendment, as amended, *agreed to*; words *inserted* accordingly.

MR. WARTON said, he was disposed to question seriously the statement of the hon. and learned Solicitor General (Sir Farrer Herschell) that "public body" included a solvent State. He should like to hear a precedent quoted.

MR. W. E. FORSTER: I will now move to insert the word "or," in order to raise the whole question as to the words which are to follow. I trust the Committee will not strike out the words "public Company," because I think that if there is to be a particular plan, Com-

panies ought to be a party to it. Any hon. Member who considers that the Government or the Land Commission would lend itself to merely speculative Companies of land jobbers, or persons who would tempt emigrants to go out to places where they would encounter great difficulties and be very badly treated, ought to vote against the clause altogether. If I thought that people of this kind would be treated with, I should not have proposed the clause; or if someone else had proposed it I should have voted against it. I think that, firstly, the Commission; secondly, the Government; thirdly, public opinion; and, fourthly, the censure of this House, would be a sufficient safeguard against any such speculative jobbing in this matter as some hon. Members seem to apprehend.

Amendment proposed, at the end of the foregoing Amendment, to insert the word "or."—(*Mr. William Edward Forster.*)

Question proposed, "That the word 'or' be there inserted."

LORD RANDOLPH CHURCHILL said, that if the Government pressed that Amendment, he was sure it would occupy a considerable amount of the time of the Committee, and he doubted whether the question was one which it was worth spending a large amount of time on. There was this objection to it, that Emigration Companies might not hold the very highest character. He had never heard that they possessed the best possible character, he had never heard any good of them, and certainly they did not possess that great reputation which would justify the Committee in expressing approval of existing Emigration Companies in this clause. But there was one other objection to it. He thought that by sticking in these words "public Companies" they invited the formation of Companies. After the debate that had taken place, if they insisted upon inserting these words, it would mean that they would look upon the formation of Companies for the purpose of emigration as a necessary and important step. That would not be a very fortunate result, and they should guard against misconstruction.

MR. GLADSTONE: I am sorry that the noble Lord the Member for Woodstock should have intimated that a great

deal of time will be taken up by this Amendment. If this really is an Assembly for the transaction of Business, after all the hours we have spent on this clause it will be a most extraordinary thing if we cannot decide in the course of a quarter of an hour whether or not we will insert these words "as to public Companies." Such prophecies as that of the noble Lord have a considerable tendency to fulfil themselves. Under the clause no speculative Company, and no Company which is regardless of what is due to the emigrants themselves, can possibly be contracted with without bringing the Commission and the Treasury under the censure of the House. Long before the House had the advantage of the presence of the noble Lord at its Councils, there were cases where Companies played not only a most conspicuous, but a most honourable and important part in the conduct of colonization, and made their mark in history. [LORD RANDOLPH CHURCHILL: The South Sea Company, for instance.] Oh, that was before the noble Lord's time; and I do not want to go beyond that—it was before my time also. But let the noble Lord, whose historical views are so comprehensive, condescend to take notice of what happened between the time of the South Sea Company and the present day. If he thinks that New Zealand is a Colony which does credit to the Crown—and certainly it stands in the first rank of our Dependencies for its character—it was distinctly to a Company, and nothing but a Company, that we owe its formation into a Colony. The New Zealand Company was undoubtedly a commercial body; but it also contemplated moral and social ends, and it occupied that Colony by its own agency before it was taken up by the Government.

COLONEL COLTHURST said, supposing, as he hoped would be the case, the majority of the emigrants went to the United States, there was a society in New York which would interest itself in them, but which would be excluded by the exclusion of "Companies." He referred to the Catholic Colonization Society. [MR. W. E. FORSTER: That would come in as a "public body."] The association was a public Company, and was formed for the purpose of assisting emigrants that came out to America, especially Irish emigrants. This

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Company, whose operations had the sanction and support of the Roman Catholic Bishops, had bought a large quantity of the best of the land in the Western States, and he looked to the agency of this and kindred societies for working a great deal of good.

MR. PARNELL said, he did not wish absolutely to prevent the Commission from negotiating with a public Company; he merely objected to their indicating in the Bill that Companies were the particular bodies to negotiate with. He wished to ask the hon. and learned Solicitor General for England (Sir Farrer Herschell) whether the term "public body" did not include "public Company?" It appeared to him that a "public Company" might be a "public body," although every "public body" was not a "public Company." It reminded him of the old saying that every cow was an animal, but that every animal was not a cow.

MR. E. STANHOPE urged that the Committee should be allowed to get on with the Bill, as they were evidently now really fighting with a shadow. The hon. Member for the City of Cork (Mr. Parnell) had no objection to public Companies interesting themselves in emigration; but he did not think it should be put in the clause, as "Companies" were included in "public bodies." He (Mr. Stanhope) did not agree with the hon. Member; he thought it was desirable that Companies should be plainly included, because it was probable that some of the best effects of the clause would be worked out in that way.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) thought it was quite open to argument that the term "public body" did include a "public Company;" but he could not say that the question must necessarily always be decided one way. It was one of those things upon which a great deal might be said on either side, and it would not be safe to leave out the double phrase, if it was intended that the clause should apply to a "public Company."

MR. CALLAN said, a great deal of difficulty could be obviated if, before the word "Company," they inserted the words "non-dividend paying." He had two Companies in his mind at the present moment. There was that Society to which the hon. and gallant Member opposite (Colonel Colthurst) had referred,

which had not been established, as many Companies were, for the purpose of securing dividends. It was a Company formed by some benevolent capitalists in America who wished to colonize certain States on certain conditions. The other Company of which he was thinking was one got up in Dublin by a patriotic gentleman, who had made himself very prominent in connection with the condition of Meath, from which county the population had almost been exterminated; but the object of this Company had been to secure a large dividend. He did not think facilities should be given to a "public body" which came forward merely for the sake of making money out of an emigration transaction. A great deal of their objection would be taken away if the Government would intimate that they would agree to an Amendment, stating that one of the conditions upon which a Company should be treated with should be that they should allow each family a free grant of land.

SIR PATRICK O'BRIEN said, the question they had really to consider was the responsibility that would attach to the Commission. If they thought that the Land Commission would deal only with Companies of a high character they might safely intrust these powers to it; but if they had no confidence in the Commission, they should not leave it to them to deal with the whole matter. If Parliament had confidence in their Commission they should give them power to deal either with States or public Companies, whether dividend-paying or not. The sole matter for consideration was the confidence that could be reposed in the Commission.

MR. R. POWER said, it was a very strange thing to be asked to repose confidence in a body that did not exist, and the composition of which they knew nothing about. If the hon. Baronet (Sir Patrick O'Brien) was to be one of the Commissioners, no doubt they would be able to repose confidence in the body; and if the right hon. Gentleman the Prime Minister could have shown the Committee the difference between a "Company" and a "public body" he would have smoothed matters very much. It had been said that they ought to get on quickly with the measure, and he perfectly agreed with them; but it must be remembered that this was about the

*Colonel Colthurst*

most important clause in the Bill, and they must be careful how they worded it. They were establishing a traffic in human beings in Ireland, and they must use every caution that they did not invite a number of speculative Emigration Companies to be set up in Ireland. The Prime Minister had said that if the Companies failed in their duty their conduct could be brought before that House; but hon. Members would recollect that exactly the same thing was said with regard to cases which might arise under the Coercion Act. The Irish Members were told that they would have every opportunity of bringing the cases of persons arrested before the House; but, notwithstanding that many persons had been thrown into prison, the majority of whom he believed to be respectable men, not a single opportunity had been given to Irish Members of speaking upon their cases. Therefore, he did not think the argument of the Prime Minister would hold. There could be little doubt that one effect of the passing of the Bill would be that many tenants in Ireland who had sons would send them to study the law, and that many others would send their sons into the emigration offices that would spring up in various parts of the country. For his own part, he did not see how the House could possibly control the action of these Companies; and, therefore, he trusted that the words "public Company" would be left out.

MR. DAWSON said, if it was meant by the Government that the term "public Company" was included in the more general term "public body," they took up a position which would, so to speak, stink in the nostrils of the Irish people.

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) said, when it was asked whether a public Company would come within the term "public body," it was necessary to have regard to the tribunal who might have to decide upon the question. It was impossible to predict with any certainty what would be decided; and, therefore, it would not be safe for him to say that the term "public body" included "public Company."

MR. O'SHAUGHNESSY said, if the term "public body" stood alone, people would be saying that it did not include "States."

MR. LEAMY observed, that there was no doubt that the term "public body"

included States. He assured the Committee that he looked upon this clause with the greatest concern, inasmuch as it was one of the most important in the Bill. He and his hon. Friends had a right to take care that their fellow-countrymen who emigrated should be in the hands of people in whom reliance could be placed. They knew that as soon as the Bill passed into law Emigration Companies would spring up like mushrooms, all ready to make a profit out of the Government scheme, and they were told that the Land Commission would take care that they were good Companies, and that the Treasury would be responsible to Parliament on account of them. Undoubtedly, the Treasury would be responsible; but it would be when the mischief was done; and when, perhaps, 100 families had been destroyed or consigned to misery. Then, and not till then, would Irish Members be able to make their charge, and when they did make it, the result would be that a large majority would go into the Lobby against them, and so the matter would end.

MR. PARNELL wished to point out, with reference to what the hon. and learned Solicitor General (Sir Farrer Hershell) had said on the question whether the term "public body" included "public Company," that his doubt on this matter must be very small indeed, because if he looked at the wording of the after part of the clause he would see that the draftsman held the opinion that the words "public Company" implied "public body."

Question put.

The Committee *divided*:—Ayes 174; Noes 17: Majority 157.—(Div. List, No. 304.)

MR. CALLAN said, he wished to prevent land-jobbers and speculators trading on the misery of the country. In this clause, the Government, in effect, said to the public Company—"If you wish to engage in this trade of taking Irishmen to America, give us security and we will advance you money out of which you will earn large profits for yourselves." This was the first time he had ever heard of such a proposal. There were, no doubt, benevolent public Companies in America, who carried people to America and settled them upon the land, and who ultimately received back

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the money they advanced, but who paid no dividend to the shareholders. It was not against those that his Amendment was directed, but against those who would get possession of the public money in order to make a profit out of emigration, and pay a dividend to their shareholders. If the Catholic Colonization Company of New York were a benevolent Company, and did not pay dividends, it would be entitled to the confidence of the Irish people, and to the name it had assumed; but if it were a trading Company, then he hoped that this discussion would show, in all its naked deformity, the purpose for which that Company had been formed. He certainly objected to any advance of public money being made for a scheme which had been condemned by every Irish authority — by the Bessborough Commission, and by every qualified person who had spoken on the subject of Irish distress during the last five years, and would move an Amendment in order to prevent it.

Amendment proposed,

In page 18, line 18, after "Company," insert "incorporated for co-operative or benevolent purposes, and not working for profit."—(Mr. Callan.)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he failed to understand the meaning of the hon. Member when he spoke of Companies formed for trading purposes being exhibited in all their "naked deformity."

MR. CALLAN said, he alluded to Companies which came here under the guise of benevolence. He had spoken of the Catholic Colonization Company of New York in that sense, if it was a trading Company.

MR. GLADSTONE said, the Company mentioned by the hon. Member was one of which he knew nothing whatever; but it certainly did not come here at all in any guise. With regard to the naked deformity of these trading Companies, was the hon. Member so ignorant of the great social movement of the present day as not to know that one of its characteristics was to invite persons to enter into associations for purposes mainly benevolent, running risks, but not making a total sacrifice of their means, yet content with dividends of a very limited amount? It was too much to say that

Mr. Callan

any Company, which for the most benevolent purpose might desire to conduct the work of emigration, should not be permitted to enjoy what Parliament was willing to give to carry out a good and valuable end, unless it was prepared to make a sacrifice of the whole of the capital invested in it. It was only reasonable that they should cover themselves against loss to a certain extent. Therefore he hoped the Amendment would not be persisted in; but, if so, he trusted that the Committee would put a negative upon it.

COLONEL COLTHURST said, that if every Company that paid a dividend was to be excluded, the Catholic Colonization of New York would be among the number. This was an immense organization of small proprietors, and its capital consisted of the earnings of the working classes. It paid a moderate dividend on its capital, was worked on co-operative principles, and performed what was admitted to be good works, while there was not a Catholic Archbishop or Bishop in the United States who was not on the Directorate.

MR. CALLAN said, he was willing to withdraw the Amendment; but he should afterwards move to insert the words "incorporated for benevolent purposes, and not paying a dividend exceeding 4 per cent." He thought that would be sufficient to exclude Companies of a speculative character.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 18, line 18, after the word "Company," to insert "incorporated for benevolent purposes, and not paying a dividend exceeding 4 per cent."—(Mr. Callan.)

Question proposed, "That those words be there inserted."

MR. GLADSTONE pointed out that the Amendment would be inoperative. It would be impossible to hold a Company guilty of paying a future dividend.

Question put, and *negatived*.

Amendment proposed, in page 18, line 18, to leave out "or other public bodies."—(Mr. William Edward Forster.)

Question, "That the words 'or other public body' stand part of the Clause," put, and *negatived*.

Words *struck out* accordingly.

### Amendment proposed,

In page 18, line 18, after the word "Company," to insert "or person or persons with whose."—(*Mr. Callan.*)

THE CHAIRMAN pointed out that the Amendment would have a ludicrous effect, as the clause would run—"Persons with whose constitution and security the Land Commission may be satisfied."

MR. CALLAN said, if the Chairman had read further down, the connection of the words would have been apparent, and he (*Mr. Callan*) would have been spared the Chairman's witticism. He had given notice to leave out the word "constitution," so that the clause might read—"Public company or person or persons with whose security the Land Commission may be satisfied."

MR. GLADSTONE: I am desirous of calling the attention of the Committee to a point of Order, and I wish to do so in the way of a suggestion to the hon. Member (*Mr. Callan*). The Chairman, in the execution of his duty of seeing that the Amendments of hon. Members make sense, suggested to the hon. Member that his Amendment was open to objection on that ground, and the hon. Member, in the course of his explanation—if I did not hear rightly I shall be glad to be corrected—referring to this, used the words—"I might have been spared your witticism." I submit to the Committee that this is not an expression which the hon. Member ought to be permitted to make use of, as applied to the Chairman.

THE CHAIRMAN said, he believed at the time the word "criticism" was used by the hon. Member (*Mr. Callan*). The right hon. Gentleman, however, probably heard more correctly. If he had caught the word "witticism," he should have called the hon. Member to Order.

MR. A. MOORE submitted that the Prime Minister was not in Order in drawing attention to these words some minutes after they were uttered. He distinctly heard the hon. Member say "criticism."

MR. GLADSTONE: I made an intentional delay, not wishing to interrupt the hon. Member while in a condition of uncertainty as to the reading of his Amendment. I hope the hon. Member will tell us what he did say; and if he used the word "witticism," he will, no doubt, see the propriety of apologizing.

MR. CALLAN said, he had used the word "witticism." It escaped him at the moment, in reference to the observation of the Chairman upon his Amendment, which, but for the Amendment of the right hon. Gentleman the Chief Secretary for Ireland, would have read consistently with the rest of the clause. He certainly regretted having used the expression, and begged to withdraw it.

MR. W. E. FORSTER pointed out that one effect of the adoption of the Amendment would be, though it was a very unlikely thing to occur, that "any person or persons" wishing to get rid of the tenants of a particular estate or district might enter into the necessary agreement with the Commissioners for the purpose. He could not conceive that the hon. Member had any serious intention of thus extending the scope of the clause.

MR. LEAMY was quite at a loss to understand why a man wishing to emigrate should have to go to any public Company at all. Why should not the Land Commission advance the money to the individual upon being satisfied with the security? If they were satisfied, why should not the individual treat with them direct?

MR. GLADSTONE said, the sense of the clause was still obscured by the Amendment of the hon. Member. If it was the desire of hon. Members to extend the clause to persons desirous of assisting emigration, let a proposal be made for that purpose in a separate clause; but do not let it be attempted by incorporating with the clause sentences which could lead to nothing but confusion. The Land Commission was not authorized within the sense and meaning of the clause to advance money in a personal sense to any public body or public Company. It was necessary that the Land Commission should be satisfied, first, with the constitution of the public body or Company, and next with the security offered, and he entreated the Committee not to withdraw these limitations.

MR. CALLAN said, that under the clause as he read it, having regard to the word "constitution," the Land Commission would have power to inquire into the prospectus of the Company, and give preference to a Company engaged in Canadian emigration business over

one whose business was the carrying on of emigration to the United States.

MR. W. E. FORSTER said, if the Amendment were inserted the clause would run in a way the effect of which, he believed, was hardly contemplated by the hon. Member—that was to say, as follows:—

“The Land Commission may from time to time, with the concurrence of the Treasury, enter into agreements with any person or body of persons having authority to contract on behalf of any public body or public company or person or persons.”

That meant that the Land Commission might make an agreement with a person having power to contract on the part of another person. It was bringing in a single individual.

Amendment, by leave, *withdrawn*.

MR. T. P. O'CONNOR said, as the clause stood at present the constitution of the Company and the security were the only things required to be guaranteed; but he desired that some further security should be given for the protection of the emigrants by providing for their employment and settlement. The Amendment he was about to propose might be met with the general objection that it was too much to ask that the Land Commission should regulate the emigration which took place. But this regulation of emigration he pointed out would not be inconsistent with the Amendment of the Government a little lower down on the Paper, which, to a certain extent, proposed to regulate emigration. Therefore, the only question between the Government and himself was whether their form of words was preferable to his own. He ventured to think his words were preferable to those of the Government; and, therefore, he asked that the Commission should satisfy themselves that these Companies were able to perform their duty before they entered into an agreement with them, of providing for the emigrants.

Amendment proposed,

In page 18, line 18, leave out the word “and,” and insert “powers to employ, house, and settle the emigrants, and.”—(Mr. T. P. O'Connor.)

Question proposed, “That the word ‘and’ stand part of the Clause.”

MR. W. E. FORSTER pointed out that these words were unnecessary. It

*Mr. Callan*

was the intention of the Government to include in the agreements a provision for the satisfactory shipment, transport, and reception of the emigrants.

MR. T. P. O'CONNOR said, the words of the right hon. Gentleman were by no means sufficient for the purpose he had in view. Besides which, he desired to raise the question at the earliest moment possible. The phrase “reception of the emigrants” might mean anything or nothing, and would be of no use to the emigrant if the agent was not inclined to send him on to the place where his labour would be of use. What he wanted was something more than the reception of the emigrant. Three things were required—first, that the Company should be able to afford proper employment; next, proper housing; and, thirdly, that they should be able to settle the emigrant. He assumed that the Government had some idea in their minds of what should be done with the emigrants who were taken away from Ireland—that it was not their wish merely to get them out of the country, but that they were anxious that some care should be taken of them on the other side of the Atlantic; and, therefore, he concluded they could have no objection to the insertion of words for that purpose. The words of his Amendment might be regarded as too detailed, or they might be objected to as showing a certain amount of jealousy in respect of the clause, which, to his mind, was certainly objectionable. Well, he did not think he and his Colleagues could be too jealous with regard to its provisions; and he believed, so far as their general objection was concerned, it remained as strong as ever, their whole object now being to put into the clause everything that could possibly be introduced for the purpose of guarding against an extensive or injudicious use of it.

MR. GLADSTONE: I think the conduct of the hon. Gentleman stands much more in need of a charitable construction than that of the Government. I venture to say that the proposal of the Government that a responsible body should make provision for the transport, shipment, and reception of emigrants is far better than that of the hon. Gentleman.

MR. T. P. O'CONNOR thought the Prime Minister was right in assuming that he had not taken a sanguine view

of the benevolent intentions of the Government. The right hon. Gentleman had taught him some lessons as to placing a too ingenuous confidence in himself or his Colleagues, which it was not necessary at that time to repeat. He had acknowledged that the words of his Amendment were, perhaps, open to objection, for he was not, unlike the right hon. Gentleman, a believer in his own infallibility, and was therefore willing that it should be properly amended. It was, however, no question of confidence in the Government—it was a question of confidence in the working of the clause, which, as it stood, was open to the most disastrous operation by the working of Companies and others altogether beyond the control of the Committee. He should not therefore be deterred by the somewhat excitable eloquence coming from the Treasury Bench from taking such precautions for the security of his fellow-countrymen as were within his power, or from improving the clause in such a manner as he deemed necessary.

Mr. W. E. FORSTER pointed out to the hon. Member (Mr. T. P. O'Connor) that the words proposed to be introduced by him constituted no security whatever that the object he had in view would be carried out.

Mr. HEALY said, the words of the Government proposal were very vague. For instance, the reception of the emigrant might mean shaking hands with him on his arrival. On the other hand, the proposal of the Member (Mr. T. P. O'Connor) was perfectly clear—namely, that the Commission should satisfy themselves that these Companies had power to employ, house, and settle the emigrant. Now, if the Government really desired to see the Emigration Clauses carried into effect, why could not they arrange concerning the emigration with hon. Members in that Committee, who were the Representatives of the men about to go away? He wished the Government to understand that if they wished to make the emigration scheme a success, it was desirable they should obtain the consent of the people whose interests were concerned, and who spoke in that House through their Representatives. It was absurd to suppose that Irish Members brought forward suggestions in that Committee, which were inimical to the interests of the emigrants.

The general charge against Irish Members was that they claimed too much from the Government; but they were now told that they claimed too little.

Mr. GREGORY expressed his opinion that the safest and most effectual course for the protection of the emigrant would be that an agreement should be entered into between the Company and the Government of a binding character—the Government advancing the money and making the necessary provisions for the reception and carriage of the emigrants. At the time of entering upon such an agreement the Commission would have the opportunity of inquiring into the solvency of the Company, imposing penalties on them for non-performance of agreement, and stipulating for everything necessary to be done. He ventured to think that the plan proposed by the Government was infinitely preferable to the loose mode of procedure proposed by the hon. Member for Galway (Mr. T. P. O'Connor).

Mr. R. POWER said, he thought his hon. Friend the Member for Galway (Mr. T. P. O'Connor) had made a mistake in putting the word "power" into his Amendment; because, under that Act, he agreed that the Commission would have the power to carry out the proper shipment, transport, and reception of emigrants. Apart from that, he considered the words of his hon. Friend far better than those proposed to be introduced by the right hon. Gentleman the Chief Secretary for Ireland. The only object he and his hon. Friends had in moving Amendments to that particular part of the clause was that they desired above all things to see that the poor people who were either driven or enticed away from Ireland by the flattering offers of the Government were properly provided for. If those people were to go away—and, for his own part, he should do all in his power to persuade them to stop where they were—they wanted them to be provided for, and supplied with suitable employment, in whatever land they might go to. The Amendment of his hon. Friend said, "employ, house, and settle the emigrants;" and, to his (Mr. R. Power's) mind, these words were very much preferable to the words proposed to be introduced by the Chief Secretary for Ireland—namely, "the satisfactory shipment, transport, and reception of the emigrants." The words

"shipment of emigrants," for instance, were particularly objectionable to him, as being a sort of cattle-drovers' phrase, very well in its application, no doubt, to pigs and sheep, but quite out of place as applied to human beings. The Government must bear in mind the necessity of providing for persons who would arrive abroad without a farthing in their pocket. What was needed was proper employment, and there was nothing in the Bill to say that the emigration agents must give that. Unless some means were given to the emigrant to enable him to push up into the country, where he would not be exposed to the temptations of great cities, but where he would meet with the necessary employment, the Government would, in his opinion, be doing a serious injury to the people they were trying to serve.

Mr. CALLAN hoped the hon. Member for Galway (Mr. T. P. O'Connor) would withdraw his Amendment, which did not in any way provide satisfactorily for the treatment of the emigrants when they reached America. If the hon. Member looked down the Paper, he would find there were several proposals which would meet his views much better, inasmuch as they went further into the question.

Mr. LEAMY said, there could be no possible objection on the part of the Government to the Land Commission satisfying itself that the Companies with whom it might enter into agreements with respect to emigration had land on which they could settle the emigrants as soon as they arrived in America. The only objection he could see to his hon. Friend's Amendment was not that it was unnecessary, but that it was too small. If Irishmen were to be shipped off like cattle from their own country to be landed in America, the most complete provision ought to be made for their protection on arrival.

Mr. BIGGAR said it ought to be made imperative, and not merely permissive, that Companies who took charge of emigrants should treat them in a specified manner, according to the contract entered into with the Commission and Treasury. These loose observations, as to the treatment of emigrants, were all very well as far as they went, but they were no real guarantee; and he should therefore very much prefer to see some specific words added to the clause which

would secure to Irish Members the satisfaction of knowing that their fellow-countrymen would not be allowed to die of starvation on arrival in America.

Question put.

The Committee *divided*:—Ayes 83; Noes 14: Majority 69.—(Div. List, No. 305.)

In reply to Mr. T. P. O'CONNOR,

Mr. W. E. FORSTER said, the Government were quite as anxious to secure the advantage of the emigrants as the hon. Member could be; but if the hon. Member was not content with the word of the Government to that effect, he might move the Amendment which stood in his name next upon the Paper.

Mr. T. P. O'CONNOR intimated that he would not propose his Amendment.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. HEALY rose for the purpose of moving in page 18, line 21, after the word "sums," to insert "not exceeding twenty-five thousand pounds."

Mr. LEAMY said, he had an Amendment on the Paper, to substitute the words "not exceeding in the whole the sum of ten thousand pounds." Would he be able to move that in the event of the hon. Member's (Mr. Healy's) Amendment being rejected?

THE CHAIRMAN said, the hon. Member could still move his Amendment.

Mr. HEALY said, he had a serious complaint to make against the Government. They promised to put in the sum, in a limited sense, after the word "sums;" and it was extraordinary that the Government, who were quite ready to make charges against private Members, did not think it worth while to place their own Amendment upon the Paper. As the Government had not placed on the Paper any limit to the sum they intended to advance for the purpose of emigration from Ireland, and as he presumed the Government had the intention of imposing a limit, he would make this proposition in that direction. If he were acting in accordance with his own convictions, he should have put down the sum of "one farthing," which he thought would be quite consistent with the feeling of the people of Ireland as to the extent to

Mr. R. Pocer

which emigration should be promoted in that country. He had, however, put down £25,000, because that was one of the most moderate sums for which they could get any scheme of emigration carried out in Ireland. As the clause stood, it provided that the Commission should advance by way of loan such sums as they thought it desirable to expend in promoting emigration from Ireland. He thought the Government had treated the Committee very unfairly in not having placed their own Amendment on the Paper, especially as they had already had one day to consider the matter. His objection to the scheme as it stood was this—that the Commission might expend any sum, even up to the extent of the National Debt (£800,000,000), subject to the control of the Treasury, and there was nothing whatever to prevent them. Indeed, there was nothing to prevent any future Commission that might be appointed from embarking in very extensive schemes of emigration, and so depleting Ireland of its population, that in the end they would, as Mr. Gladstone hinted, call upon the Legislature for a reduction of the number of Irish Representatives. He would say nothing of the indecency of the proposal—first, to turn out the unfortunate inhabitants of the country, and then, having got rid of the inhabitants, to cut down the Representation of Ireland; but such, in fact, was the proposal of the Government. The Government managed these things very cleverly, and, by-and-bye, they might make a proposal to send out the whole of the Province of Connaught to Nova Zembla, or elsewhere, and then immediately following there might be a proposal to take away the entire Representation of the Province of Connaught. He asked why the Government should expose themselves to charges and suspicions of this character? They knew that the Irish Members thoroughly mistrusted them. As matters now stood, the Commissioners might enter into a speculation to purchase emigrant ships. That would be quite possible under this proposal. An unlimited sum of money would be placed in the hands of the Commission and in the hands of some public Companies, in regard to which the Committee was at present quite in the dark. The Irish Members wanted to know what the plans of the Government were,

so that they might be satisfied that their object was only to deal with the congested parts of Ireland, and not to deal with entire districts and Provinces. If they put down £50,000 as a limit to the advances, he would be able to understand that they had no such object; but if, on the contrary, they put down £5,000,000, then he should regard that as a proposal to depopulate the entire country.

Amendment proposed, in page 18, line 21, after the word “seems,” to insert “not exceeding twenty-five thousand pounds.”—(Mr. Healy.)

Question proposed, “That those words be there inserted.”

SIR JOSEPH M'KENNA hoped his hon. Friend (Mr. Healy) was not serious in putting down such a sum as £25,000. It would be better for the Government to abandon the scheme altogether, rather than submit to such a proposal. It was proper that they should have the clause in a form that would commend itself to the Committee, and not in a form in which it would be hopeless to deal with it. To put down £25,000, as a sum sufficient to aid in the emigration of the people from the congested portions of Ireland, was just as much good as if they had put down half-a-crown. There were districts and parishes in Ireland which would require alone a very large proportion of £25,000, if it was to be applied in relief in the direction of emigration and to make proper provision for the comfort of the emigrants. He hoped that his hon. Friend, having ventilated the subject, would not persist in limiting the amount to so ridiculously small a sum as £25,000. It would, he hoped, be possible for the Government to name a sum sufficiently liberal, on the one hand, and, at the same time, not so affluent as to demand the censure of the Committee. He trusted his hon. Friend would withdraw the Amendment.

MR. T. P. O'CONNOR insisted that the Government had as yet given no answer to the question as to what sum they intended to fix as the limit.

MR. W. E. FORSTER quite agreed with the hon. Gentleman who had just sat down (Sir Joseph M'Kenna), that it was impossible to support such a proposal as that, unless it was intended to nullify the whole scheme. The Govern-

ment would withdraw the clause altogether rather than accept that proposition.

Mr. PARNELL understood that the Government were prepared to say what amount they would limit the expenditure to. Under these circumstances, he hoped the Government were in a position to state their views.

Mr. W. E. FORSTER understood his right hon. Friend the Prime Minister to say that when the clause was settled he would be prepared to state the limit of the sum. But they must first decide what they were going to do with the clause, and after they had so decided, the time would arrive for stating what the limit should be.

Mr. PARNELL said, the impression conveyed by the right hon. Gentleman was that they should go through the Amendments in the clause, and then the Government would be prepared to insert the provision to limit the expenditure.

Mr. W. E. FORSTER: The Committee will quite understand that this is a matter which is peculiarly connected with the Financial Business of the Government; and I do not like to undertake the responsibility in the absence of my right hon. Friend.

Mr. HEALY asked why the right hon. Gentleman the First Lord of the Treasury was not present?

Mr. BIGGAR said, the right hon. Gentleman who had just sat down (Mr. W. E. Forster) had given them a pertinent reason why he should not commit the Government to a particular sum, but had not given them any reason why the Prime Minister should not be there. He (Mr. Biggar) would, therefore, move to report Progress, in order to give the Government an opportunity of stating their views on this important question. Some hon. Members of his (Mr. Biggar's) Party alleged that the Prime Minister had specifically promised to state what the sum was, during the progress of the clause, that they would limit these advances to. That was a very important question. No doubt, the Prime Minister said there should be a limit; and it would have been convenient if the Prime Minister were there in order to explain his views upon the question. If the right hon. Gentleman the Chief Secretary for Ireland promised that as soon as the Amendments in the clause were gone through, and before the

Question was put, "That the Clause stand part of the Bill," the sum should be named, he (Mr. Biggar) thought that ought to be sufficient. As the matter stood now, they were in an awkward position. It was in the recollection of the Committee that the Prime Minister had promised to name a specific sum. Probably the right hon. Gentleman the Chief Secretary for Ireland was not present at the time, and they did not blame him for not undertaking to perform the promise the Prime Minister had made, or for not doing a thing which he had no authority to do; but, at the same time, it was only reasonable that the right hon. Gentleman should undertake to name some time when the sum would be fixed before the clause was directed to stand part of the Bill. He begged leave, under the circumstances, to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Biggar.)*

Mr. W. E. FORSTER: I can hardly believe that the hon. Member for Cavan (Mr. Biggar) is serious in making that proposal, because the Prime Minister does not happen to be here. I hope it is not expected that my right hon. Friend should be here during the whole of the evening. Every hon. Member in the Committee is aware of the intense devotion my right hon. Friend has given to the Bill, and it is not reasonable that he should not be absent for a few minutes in order to take necessary refreshments. If he had gone away just at the time when the Business could not go on without his presence, there might be some reason for complaint; but that is not so. I would suggest that the Committee should settle the clause, and, before the Question is put that it shall stand part of the Bill, my right hon. Friend will state the limited sum to be inserted in the clause.

Mr. PARNELL said, this was a matter upon which they should really consult the convenience of the Prime Minister. The question of limitation could be considered just as easily at the end of the clause as in the middle of it, and he felt sure that his hon. Friend the Member for Cavan (Mr. Biggar) would not grudge the Prime Minister the short time he took for rest.

*Mr. W. E. Forster*

MR. T. P. O'CONNOR said, that, of course, his hon. Friend (Mr. Biggar) did not at all grudge the Prime Minister the leisure he so well deserved; but the right hon. Gentleman the Chief Secretary for Ireland did not seem to appreciate the position. The position was this—the question was whether or not the Government intended to stand by or recede from the important announcement they had made yesterday? The Prime Minister had declared within his (Mr. T. P. O'Connor's) hearing that he saw no objection to insert in the clause a limit to the amount of money to be advanced towards carrying out the purposes of the clause. The Prime Minister made that statement distinctly; but the Chief Secretary for Ireland only put it hypothetically, and it was a promise that materially affected the whole complexion of the clause—namely, whether the clause was to be limited in its operations or not. The Irish Members thought that it should be limited; the Government agreed with them, and the Government, therefore, were bound to state the nature of the limitation they proposed. They all appreciated the attention which the Prime Minister had given to the Bill; and he (Mr. T. P. O'Connor) was satisfied that his hon. Friend the Member for Cavan was not more desirous of grudging a few moments to the Prime Minister than anybody else; but it was unfortunate that the Prime Minister should not be present on this occasion, when really the Treasury Business was under discussion. At the same time, he would not advise his hon. Friend to proceed with his Motion for reporting Progress, and he would recommend him to withdraw it.

MR. HEALY regretted the absence of the Prime Minister. It was somewhat extraordinary that the right hon. Gentlemen, when Amendments were being discussed in regard to which they had no complaint to make, was present all day; but that he absented himself at a particular moment when it was most inconvenient that he should be absent, and when the right hon. Gentleman the Chief Secretary for Ireland was unable to state, in consequence of the absence of the Prime Minister, what course the Government intended to take.

MR. ARTHUR ARNOLD rose to Order. He wished to know if it was proper for an hon. Member to accuse

the Prime Minister of intentionally absentsing himself?

THE CHAIRMAN: It is not for me to judge the propriety of the remarks of an hon. Member when within the rules of Order; but it is for the Committee.

MR. HEALY regretted that the hon. Member for Salford (Mr. Arnold) had thought proper to interfere. They had been informed that the responsibility of the Government with regard to this Bill was undivided, and the Chief Secretary for Ireland, therefore, ought to know what the mind of the Prime Minister was. He must tell the Chief Secretary for Ireland that if he wanted to make progress with this Bill he must take some better course than the way in which he had just dealt with this Amendment. There were still 24 clauses to be gone through, and the Report had then to be brought up; and it might be convenient for the Chief Secretary for Ireland to learn that Amendments of this kind, about which promises had been made, must be fairly and properly considered. If the right hon. Gentleman had been left in ignorance, he ought to have communicated with his right hon. Friend the Prime Minister and ascertained what the intentions of the Government were. The Irish Members had been charged with unduly suspecting the Government. Had they not good ground for their suspicions? They found that the promise which was made yesterday might be absolutely broken to-day.

THE CHAIRMAN: The hon. Gentleman is not now in Order.

MR. HEALY said, he would apologize if he was out of Order; but he had used the word "may," and not "was," for the promise given by the Prime Minister yesterday now remained in so nebulous a condition that they did not know what had become of it. In regard to the former proposal, the Prime Minister got up and said there were two objections raised to it by the Irish Members. One of them had been dealt with, and now they came to the second; and what did they find? They found that the Government did not know their own mind in regard to it. The Chief Secretary for Ireland was a Cabinet Minister, and he presumed that he was in the confidence of the Crown; but he did not seem to know what had become of the intentions of the Prime Minister. Was that the way in which matters ought to



be conducted? If the Government were dealing with an English Member, or one of their Tory Friends above the Gangway, they would not dream of treating him in such an off-hand manner. If they did they would soon find out their mistake. If the promise had been made to the late Chancellor of the Exchequer the right hon. Member for Devon, that a certain limitation would be put into the Bill, and a Minister of the Crown was not there to make the proposal, he had very little doubt that the Prime Minister would hear more about it. But now the right hon. Gentleman was only dealing with an Irish Member. If the Government desired to make progress with their measure it was desirable that they should not in every step they took display their hostility towards the Irish Members, nor induce the Irish Members to bring the hostility they entertained to the Bill to an extreme conclusion. Their hostility to this clause might be attenuated if the Government would fix a definite limit to the advances. They had received a distinct pledge from the Prime Minister on the subject; and he wanted to know what was the good of Government pledges if, after they had been made, there was nobody there to carry them out? He thought that his hon. Friend the Member for Cavan (Mr. Biggar) was perfectly justified in moving to report Progress.

MR. JOHN BRIGHT: I shall not attempt to answer the hon. Gentleman (Mr. Healy) in the language he has used upon this occasion, and which he has dared to utter against the Prime Minister; but I shall go at once to the question of this particular matter of limitation. The hon. Member knows one thing, and he ought to know another. He knows that the limitation, if there is to be one, can be put in in a subsequent portion of the clause, and that it is not necessary to insert it in this part. Further, he ought to know that whatever sum is put into the clause, as the sum will have actually to be expended every year, must be voted by the House, and whether it be £100,000 or £1,000,000 would make no difference whatever. If any amount is to be spent at all, that amount must be brought every year before the House; and without a direct Vote of the House nothing can be spent. Therefore, all this trouble which the hon. Gentleman is giving is purely useless, except for the

purpose of Obstruction. The hon. Member must know that that is the case. The hon. Member may move an Amendment on every word or letter of the Bill; but there can only be one conclusion on the part of the Committee—namely, that, whatever may be the expressed hostility of hon. Members opposite, they dare not vote against the clause.

MR. HEALY: Give us a chance.

MR. JOHN BRIGHT: They will have a chance, no doubt. It is obvious that a majority, and a large majority, of the Irish Members are in favour of the clause.

MR. HEALY: That is not so.

THE CHAIRMAN: Order, order!

MR. JOHN BRIGHT: The course taken is one that is intended for the purpose of Obstruction, and the Motion of the hon. Member for Cavan (Mr. Biggar) is a direct insult to the Prime Minister. Indeed, I should think it a hopeless thing for Ireland if the majority of her Representatives persisted in pursuing the course which has so constantly been taken by a single Member of this House. I am certain that there is not a single English or Scotch Member who will not condemn the course which has been taken by the hon. Member for Cavan.

MR. PARNELL said, he did not know by what title the Chancellor of the Duchy of Lancaster presumed to tell, or dared to tell, the Irish Members that they dared not vote against this clause. He (Mr. Parnell) had all along intended to vote against the clause, and he denied that the right hon. Gentleman the Chancellor of the Duchy of Lancaster had any right to impute to him, or to the majority of the Members acting with him, an intention to obstruct that or any other clause of the Bill. [*Cries of "Oh!"*] He did not think that any Member of the House had moved fewer Amendments, or taken a less part in the discussion of the Bill in Committee than he had, and he defied the right hon. Gentleman to point to any speech he had made since the Bill had been introduced up to the present time, or to any action he had taken which had been of the slightest obstructive nature. When the hon. Member for Cavan (Mr. Biggar) moved to report Progress, as soon as he could, he rose to deprecate the Motion, and he asked his hon. Friend to withdraw it. He said then he regretted the line

*Mr. Healy*

his hon. Friend had taken, and that he thought the Prime Minister was entitled to a few minutes of rest. He should not follow the Chancellor of the Duchy of Lancaster in his wholesale criticisms of individuals, simply because he always observed that although there might be an abundance of mistakes on the part of English and Scotch Members, yet that whenever an Irish Member made a mistake the English Members were quick to follow it up; and there were too many Irishmen who followed their example. The Irish Members had asked that a limit should be fixed to this clause, and the Prime Minister, within the hearing of the whole Committee, admitted the reasonableness of the request, and said that when the time came the Government would consider the matter, but that the question might be postponed until the end of the clause. He (Mr. Parnell) had said that he thought that a reasonable request on the part of the Government, and he had recommended his hon. Friend to give the Government the advantage they desired to have in that respect, so that when the clause came up to be finally settled they might ask the Prime Minister then to fix the limit, or propose one themselves, and take a discussion. But he would take the liberty of suggesting that the next time the right hon. Gentleman the Chancellor of the Duchy of Lancaster took it upon himself to lecture an hon. Member, he should take care not to accompany the lecture with a wholesale condemnation of the Associates of that hon. Gentleman.

Mr. R. POWER said, he had listened to the speech of the right hon. Gentleman the Chancellor of the Duchy of Lancaster with surprise, and regretted that he had not been in the House when the hon. Gentleman the Member for Cavan (Mr. Biggar) had made his speech. If the hon. Gentleman really had, as the right hon. Gentleman the Chancellor of the Duchy had stated, offered an insult to the right hon. Gentleman the Prime Minister, which he (Mr. Power) very much doubted it was the hon. Gentleman's intention to do, he was quite certain that his hon. Friend would be the very first person in that House to withdraw the observation that had given offence. The right hon. Gentleman the Chancellor of the Duchy of Lancaster had said that it

was the evident intention of hon. Members from Ireland to obstruct the Bill. Now, in reply to that observation, he (Mr. Power) wished to say that he had always voted with Her Majesty's Government on this measure, until they brought in a clause which he believed to be of the most dangerous character as far as the welfare of the Irish people were concerned. The Irish Members had told Her Majesty's Government honestly and fairly, when they brought the matter forward, that they would use every legitimate means in their power to oppose the Emigration Clause of the Bill, and this they were determined to do; but the right hon. Gentleman the Chancellor of the Duchy had said the majority of the Irish Members were opposed to those who objected to the clause. The right hon. Gentleman had given no proof of this, and there had not yet been a division upon the clause, and could not be until the Question was put, That the Clause as amended stand part of the Bill. What did the right hon. Gentleman mean by saying that the Irish Members intended to obstruct the Bill? What did the right hon. Gentleman mean by Obstruction? Did the right hon. Gentleman know what Obstruction meant? [*Laughter.*] Hon. Members laughed. He was glad to hear that laugh, and he would reply to it by giving the Committee a definition of Obstruction—not a definition given by Irish Members sitting below the Gangway, but one that had been given by no less a personage than the Prime Minister of England himself, not when he was Prime Minister, nor when he had any hope of being Prime Minister, but at a time when the Conservative Party sat on the Treasury side of the House—nor was the definition given by him in that House, with what had been termed “his usual impetuosity” in the heat of debate, but what he had deliberately set down in writing. The Prime Minister had said—

“The prolonging of debate, even by persistent reiteration on legislative measures, is not necessarily an outrage or offence, or even an indiscretion.”

This was said when the Tories were in power. The Prime Minister had gone on to say—

“For in some cases it is only by the use of this instrument that a small minority holding strong views can draw adequate attention to those views.”

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Those were the very words that had been written by the right hon. Gentleman the Prime Minister when he sat on the Opposition side of the House. Again, he had said—

"In other cases obstruction has been freely and largely practised, even by a great Party, with no other apparent effect than that of retarding business. I refer especially, as will be at once understood, to the Army Purchase Bill."

But it was not the Irish Members who obstructed the Army Purchase Bill, but other hon. Gentlemen who sat on that (the Opposition) side of the House.

MR. JUSTIN M'CARTHY said, he was one of those audacious Members who, to use the language of the right hon. Gentleman the Chancellor of the Duchy, "dared" to vote against the Emigration Clause of this Bill. He had made up his mind to take this course long ago, and he thought it would require some considerable courage on his part if he were to go back to his constituents and say that he had not voted against the clause. Like the hon. Member for Waterford (Mr. R. Power), he had been exceedingly pained to hear the speech that had been made a short time ago by the right hon. Gentleman the Chancellor of the Duchy of Lancaster, and he deeply regretted that the right hon. Gentleman should have infused such a feeling of acrimony into the remarks he had thought proper to make. He should have thought that the struggle of a small minority against a large majority might have found some sympathy on the part of the right hon. Gentleman, and that, with the right hon. Gentleman's experience of debates in that House, and his remembrance of the misconstruction which in other days had been directed against him and his Colleagues, he might, if he had borne in mind the past, have shown more consideration for the Irish Party, especially at a moment like the present. Many of those who belonged to that Party—he believed he might say most of them—were opposed to the Motion that had been made by the hon. Gentleman the Member for Cavan (Mr. Biggar) that the Chairman should report Progress; but, certainly, none of them who had heard the remarks of the hon. Gentleman believed that he had intended to accompany the Motion he had made with any language of disrespect towards the Prime Mi-

nister. But one of the effects of the imputations that had been made by the right hon. Gentleman the Chancellor of the Duchy of Lancaster on the hon. Gentleman the Member for Cavan was, that even the most moderate men among the Irish Party felt that they could not desert a comrade under a fire like that; so that the only effect of the right hon. Gentleman's attack had been to draw the lines of that Party more closely together, and produce the very result the Chancellor of the Duchy of Lancaster was apparently so anxious to avoid. In his (Mr. M'Carthy's) opinion, it would have been far wiser to avoid the necessity for this bitter interchange of personal expressions. The small Party to which he belonged had been accused of using harsh language and strong expressions. For his own part, he was not an admirer of strong and bitter language, nor of much in the shape of invective, even though it had been called an ornament of debate; but he felt bound to say that in the course of these controversies that had now been going on for so lengthy a period, it was not the Party with whom he acted that had begun the use of intemperate language. That sort of language had come, in the first instance, from the Treasury Bench. It was from that Bench that had come the accusation of using wicked and cowardly language; from that Bench, also, had come the charge of poltroonery with regard to the conduct of Irish Representatives, a charge that had been more than once repeated from the same quarter. Therefore, it was not the Irish Members who had begun the use of bitter language, and if personalities were to cease, let *Messieurs les Ministres* commence.

MR. W. E. FORSTER hoped the Committee would now resume Business, and that the Motion to report Progress would be withdrawn.

MR. P. MARTIN said, the hon. Gentleman the Member for the City of Cork (Mr. Parnell) had put a question to the Prime Minister that afternoon, in reply to which the right hon. Gentleman had said that the great majority of the Irish Members were in favour of the Emigration Clause, which the Committee were now discussing. Unless the right hon. Gentleman was anxious to provoke the sort of discussion that had latterly been going on, he should not have made a

*Mr. R. Power*

statement like that without having waited to see the majority submitted to a practical test. He (Mr. Martin) was one of those who had hitherto supported the Government in many of the divisions which had taken place on the clauses of the present Bill. He thought it unfortunate the Irish Members had not the opportunity of entering on this discussion and taking a test division on the clause at an earlier hour. It had been authoritatively stated by the Prime Minister, in answer to the hon. Member for Cork County (Mr. Shaw) this evening, that the majority of the Irish Members were in favour of the clause. This Motion to report Progress presented the earliest available opportunity to his brother Members from Ireland of announcing their opinions with regard to the clause. The Prime Minister, he thought, had made a great mistake, and the matter was one which the Committee were bound to consider before they proceeded with the general debate on the details of the clause. How stood the matter? As far as the majority was concerned, they had the authority of the Bessborough Commission for stating that—

THE CHAIRMAN rose to Order. The hon. Gentleman could not, on a Motion to report Progress, enter upon a general discussion of the clause.

MR. P. MARTIN said, if he were out of Order, he would at once bow to the decision of the Chair. He was not going to suggest the Report of the Bessborough Commission as a matter for the consideration of the Committee; he was only desirous of pointing out that, up to the present time, they had had statements made by the Commissioners in reference to and against State-aided emigration which he thought required the Committee to reflect upon before it went on to discuss the merits of the entire clause. He was not referring to whether the Members of the Bessborough Commission were right or wrong in the conclusions they had arrived at, but to what most of the Members of the Bessborough Commission—

THE CHAIRMAN again rose to Order. The hon. Gentleman the Member for the county of Kilkenny (Mr. Martin) was distinctly out of Order in discussing the conclusions of the Bessborough Commission on a Motion to report Progress. The discussion had wandered very wide of that subject, the question before the

Committee being merely whether he should report Progress.

MR. P. MARTIN said, the object they had to consider was the amount of money that it was intended should be applied for emigration purposes; and he thought it absolutely essential that the Prime Minister should be present before they could determine that question. He wished to point out that he did not in any way intend to debate the Report of the Bessborough Commission, but only to state, as a matter of fact, that they had to deal with a question on which they had the weight of authority on the part of the Members of the Bessborough Commission, individually and collectively, on the side of the Irish Members. He did not wish to carry the matter beyond the statement of this fact; and as the right hon. Gentleman the Prime Minister had now returned to the House his object was attained, and he should not say one word more.

MR. A. M. SULLIVAN said, notwithstanding the somewhat unpleasant discussion that had been going on for the last quarter of an hour, he must express his hope that the hon. Gentleman the Member for Cavan (Mr. Biggar) would not persevere with his Motion. He was not one of those, any more than his hon. Friend the Member for Longford (Mr. M'Carthy), who would desert a comrade under fire of the enemy; but he might state that, before the fusillade began, he had offered to his hon. Friend the Member for Cavan the suggestion that he should withdraw his Motion. He wished here to say that he was sorry it had been rendered painfully necessary that the Irish Members on those (the Opposition) Benches should express their individual opinions in consequence of what had fallen from the right hon. Gentleman the Chancellor of the Duchy of Lancaster, because, if out of any feeling of comradeship, they went into the same Lobby with the hon. Gentleman the Member for Cavan, should they be driven to take a division on the Motion for reporting Progress, they might, if they remained silent, be held to endorse the action of the hon. Gentleman which had been so strongly characterized from the Treasury Bench. He (Mr. Sullivan) had thought it right to occupy a few moments, in view of the possibility of a division, in order that he

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might say this—that so far as he was concerned he had put down very few Amendments on the Paper with regard to this subject, although he had felt a desire to see the clause amended in many respects. He had never obstructed the proceedings on this Bill during its passage through Committee; and he was in the recollection of the Committee whether he had done so or not. He had, on the contrary, given the Bill his sympathy in the House, and he had rendered to it his praise out-of-doors. Was he, therefore, to sit silent when the right hon. Gentleman the Chancellor of the Duchy of Lancaster, in a most regrettable moment, did that in which he (Mr. Sullivan) hoped he should not imitate the right hon. Gentleman, his wish being rather to calm the irritation which the speech of the Chancellor of the Duchy of Lancaster had produced? He repeated, however, that he was not at all under the imputation of having been obstructive in these debates; and he asked was he to sit silent when the right hon. Gentleman told him that he dared not vote against this clause? He would state that he had intended to vote against this clause, although he had not opened his lips in the debates upon it, until an observation made an hour ago had tempted him to help to clear the way of some Amendments. He had then only made a few observations amounting, probably, to a sentence or two; yet, such was his opinion on this subject of State-aided emigration, that he would give 100 votes against the clause if he had them to give. The Chancellor of the Duchy of Lancaster had had the grievous bad taste and worse judgment to attempt to identify some of those who sat on those (the Opposition) Benches with an insult to the Prime Minister. He wished the right hon. Gentleman were still absent from the House, because he hesitated to say in his presence that which he should have freely said had the Prime Minister still been out of that Chamber, and that would have been to have paid a hearty tribute to the zeal and devotion with which the right hon. Gentleman had, night after night, given himself to the labour of forwarding that Bill through Committee. He dissociated himself, not the less for not being the right hon. Gentleman's Colleague on that (the Treasury) Bench, from anything

like the semblance of an affront to the right hon. Gentleman the First Minister of the Crown, but from anything that would seem like a failure of grateful recollection—he did not like to use the word grateful, because a public Minister only did his duty—but he used the word in the sense in which it would be understood, when he said he desired not to be thought to fail in his grateful recollection of what the right hon. Gentleman had done, and was still doing, for his (Mr. Sullivan's) country. He asked the right hon. Gentleman the Chancellor of the Duchy of Lancaster to think of the pain he had caused to many hon. Gentlemen—[“Oh, oh!”]—Yes, the pain he had caused to many hon. Gentlemen on that (the Opposition) side of the House. And now, notwithstanding the turn that had been given to the discussion, he would ask his hon. Friend the Member for Cavan (Mr. Biggar), as one who had not receded from him sometimes when perhaps his judgment had not gone altogether with him, not to press this Motion to a division, but to let what had happened pass away, and to follow the advice that had been given by the hon. Gentleman the Member for the City of Cork and Leader of the Irish Party (Mr. Parnell), who had risen in an earlier part of the discussion for the purpose of saying that the view expressed on the part of the Government was a reasonable view, and of asking the hon. Member for Cavan to withdraw his Motion. He (Mr. Sullivan) took the same ground as the hon. Member for the City of Cork. He thought that the Motion might be withdrawn; he thought also that it ought to be withdrawn; and he hoped his hon. Friend would not be driven into the Lobby by the most regrettable imputation that had been imported into that discussion.

MR. O'DONNELL said, there had been a good deal of talk about insult, and he thought it incumbent on the right hon. Gentleman the Chancellor of the Duchy of Lancaster to tell the Committee what was insult. He (Mr. O'Donnell) had heard the speech of the hon. Member for Cavan (Mr. Biggar), who had expressed the opinion that the right hon. Gentleman the Prime Minister ought not to have left the House at the time he did without informing his Representatives what the Government intended to do with regard to the limi-

*Mr. A. M. Sullivan*

tation of this clause, and the Chancellor of the Duchy of Lancaster had needlessly introduced into the discussion the idea of insult. The hon. Member for Cavan (Mr. Biggar) was one of the most straightforward and outspoken Members of the House; but every hon. Member was fully aware that never during the whole course of the time he had sat in that House had he been suspected of wilfully insulting any hon. Member. He had often spoken of the policy of the Government in terms that could not be too strong; but the right hon. Gentleman the Chancellor of the Duchy of Lancaster, in stating that an insult had been offered to the Prime Minister, had simply drawn from a very defective memory. At the same, he (Mr. O'Donnell) could not altogether regret the speech of the right hon. Gentleman the Chancellor of the Duchy of Lancaster. Manners made the man, and the right hon. Gentleman, without his characteristic manners, would hardly be himself. He thought that there was now no necessity to press the Motion for reporting Progress. The object with which that Motion had been made had been fully attained; because, in consequence of the prolongation of the debate, caused by the remarks of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, the Prime Minister had returned to his place to conduct the Government policy on the Bill—a policy which evidently fell into very inferior hands when it left his own. He thought also that the right hon. Gentleman the Prime Minister might take the opportunity of doing something to correct the impression which had evidently got into the mind of his Colleague (the Chancellor of the Duchy of Lancaster), that the Representatives of the popular Party in Ireland would be afraid to vote against this expatriation clause of the Bill. It was quite evident that the right hon. Gentleman the Premier must have produced that impression on the mind of the Chancellor of the Duchy of Lancaster, or the latter would not have made that observation, and he hoped the Premier would take the opportunity of putting this matter right. In regard to all these questions of gratitude and insult that had been raised by the remarks of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, he (Mr. O'Donnell) begged leave to say

that, for his own part, in approaching the Government in the discussion of this Bill, which he recognized as being in every respect a great measure, he felt in no way bound to express an extravagant feeling of gratitude to anybody. As the word "dare" had been imported into the discussion by the right hon. Gentleman the Chancellor of the Duchy of Lancaster, he would say to that right hon. Gentleman—Let Her Majesty's Government dare to drop the project of Irish Land Reform. They had the whip hand of Her Majesty's Government in this matter. At the same time, he did not in the slightest degree detract from the view that had been expressed with regard to the time and thought the right hon. Gentleman the Premier had devoted to this elaborate and important project. He hoped it would be passed through Parliament this year, and if it were not, he returned his full thanks to its chief author; but, at the same time, he also recognized in the Premier the chief author of a measure that had had the effect of reducing Ireland to slavery for months past and months yet to come, and he regarded the aggressive policy of Her Majesty's Government as an insult to his country, to himself, and to every Irishman.

MR. MAC IVER said, he felt conscious that he had not the smallest right to do so, but he would urge on the hon. Gentleman the Member for Cavan (Mr. Biggar) that he should not press his Motion; and he did so on this ground. This Bill was one which changed in its character, not only from day to day, but even from hour to hour, and for no visible reason except that it was promoted by a Government who were desirous, by whatever means, to retain Office. He did not think that this was a convenient time for taking the Amendment of the right hon. Gentleman the Chief Secretary for Ireland, because, if it were accepted, it might have the effect of ruling out of the Paper altogether other Amendments that were of the greatest consequence.

THE CHAIRMAN rose to Order, remarking that the hon. Member had no right to complain of that which was the act of the Committee.

MR. MAC IVER said, he did not complain of the act of the Committee, but of the act of the Government. He would like to ask the right hon. Gentleman the

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Chancellor of the Duchy of Lancaster whether he had entirely forgotten what he had said in days gone by? Speaking in that House some 34 years ago, the right hon. Gentleman (Mr. John Bright) had said—

"As a Lancashire Representative, I protest most solemnly against a system which drives the Irish population to seek work and wages in this country and in other countries, when both might be afforded them at home."

He should also like to know whether the right hon. Gentleman had forgotten having said—speaking of the Irish people—

"The great secret of their idleness at home is that there is little or no trade in Ireland; there are few flourishing towns to which the increasing population can resort for employment, so that there is a vast mass of people living on the land, and the land itself is not half so useful for their employment and sustentation as it might be. A great proportion of her skill, her strength, her sinews, and her labour is useless to Ireland for the support of her population. Every year they have a large emigration, because there are a great number of persons with just enough means to transport themselves to other countries, who, finding it impossible to live at home in comfort, carry themselves and their capital out of Ireland, so that, year after year, she loses a large portion of those between the very poorest and the more wealthy classes of society, and with them many of the opportunities for the employment of labour."

THE CHAIRMAN said, the hon. Gentleman was altogether out of Order.

MR. MAC IVER said, he would only now press on the hon. Gentleman the Member for Cavan (Mr. Biggar) that he should withdraw his Motion for reporting Progress, and it could be resumed somewhat later in the evening, when hon. Members might wish to obtain further information from those who were at present responsible for the misgovernment of Ireland.

MR. WARTON said, as one of the few who were present in the House when the Motion for reporting Progress was made, he felt it his duty to offer a few remarks. Politically, he was strongly opposed to the present Government, which, he might add, had no stronger opponent in the House; but he fully recognized the English principle, that when they did fight they should fight fairly. He thought the Motion of the hon. Gentleman the Member for Cavan (Mr. Biggar), that the Chairman should report Progress, a most unfair Motion, and that the remark with which it was

accompanied, as to the absence of the right hon. Gentleman the Prime Minister, was in exceedingly bad taste. The right hon. Gentleman could not always be in the House; it was not physically possible that he should, and it was unfair to attribute to him some design in being temporarily absent, especially as he had previously said he intended to make a statement as to a limitation of the amount of the emigration advances at a future portion of the proceedings on the clause. It was wrong for hon. Members to think that they might fix their own time for the right hon. Gentleman to make his statement on this subject, and especially to make the comments that had been made on his absence.

MR. T. D. SULLIVAN said, he could not but join in expressing the surprise that had been indicated by other hon. Members at the speech which had fallen from the right hon. Gentleman the Chancellor of the Duchy of Lancaster. The right hon. Gentleman had challenged the Irish Members to vote against this clause of the Bill, and had asserted that they would not dare to do so. Now, he would ask the Committee was not that to be taken as the measure of what the right hon. Gentleman knew concerning the feelings of the Irish Members and of the Irish people? Was it not perfectly well known to everyone who knew anything of Ireland that the subject of emigration was a very sore one with the Irish people? Was there a Member of that House who did not know that the Irish Members, as the Representatives of the Irish people, regarded the Emigration Clause of this Bill with the utmost hatred and aversion? And yet, so accurate was the estimate that had been formed by an English Cabinet Minister of the feeling of the Irish people and the Irish Members on this subject, that he really supposed the Irish Members were prepared to accept the clause, and that they dared not vote against it. The fact was that the Irish Members had agreed on this subject, and had all along intended to vote against the clause, and would try to tear it to pieces.

THE CHAIRMAN: The hon. Member is out of Order. He is now discussing the whole merits of the clause.

MR. T. D. SULLIVAN said, he was expressing his surprise, and the surprise of the Irish people, on finding any

*Mr. Mac Iver*

Cabinet Minister in England so misinformed of the feelings of the Irish people and the intentions of their Members as to say the Irish Members dared not vote against this odious Emigration Clause. They would show that they would vote against it and fight against it as long as they could.

MR. HEALY thought too much fuss had been made about what was said by Cabinet Ministers, for he did not think it mattered very much what they said. They knew the self-complacency which characterized certain British Philistines; but of all the inconsistencies of that British Philistinism, there could be no greater than the notion that because an English Cabinet put a certain clause into a Bill, therefore the Irish Members dare not vote against it. The pledge given by the Government was that "there could be no objection whatever on the part of the Cabinet to mention a limited sum." Was it not an extraordinary thing that the Chief Secretary for Ireland should endeavour to shuffle out of that pledge—

THE CHAIRMAN: I told the hon. Member, on a previous occasion, that his distrusting a pledge, solemnly given by a Minister, is out of Order, and unless he immediately withdraws the expression I must take notice of it.

MR. HEALY said, he would, of course, withdraw the expression, and added that yesterday the Prime Minister, on behalf of the Government, gave a pledge, and now he made a statement which the Irish Members were quite unable to understand. He did not assume that the Government would not redeem their pledge; but what difficulty had they in stating their intentions? This was the proper stage for that statement, and he trusted it would be made.

MR. LEAMY said, he was very much surprised, on coming to the House, to find that the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) had expressed doubt as to the sincerity of the Irish Members in their opposition to the Emigration Clause. There was no man in the Three Kingdoms who had done more to inspire hope in the minds of the Irish people than the Chancellor of the Duchy of Lancaster, or contributed more to social revolution in Ireland; but it was to be regretted that he should now charge the Irish Members with a want of sin-

cerity in fighting a battle which they looked on as the most serious and important battle they could engage in. Many Irish Members had an especial reason to take this attitude, because they came from the class which had sent emigrants to every part of the world. They came from that class which English laws had oppressed most harshly; and, therefore, they would be false to their blood, their kindred, and their country if they did not oppose this clause. If his opposition to that clause meant the defeat of the Bill he should still vote against it. He admitted that this Bill was a very large advance, and contained several considerable concessions; but when the Irish Members were fighting the Coercion Bills, and were taunted with preventing this Bill coming on, he had declared that he would never purchase land reform at the price of the liberties of the Irish people, and he would never purchase land reform 10 times as large as this at the cost of deportation.

MR. CARTWRIGHT asked the Chairman's definite ruling as to whether the hon. Member's remarks against the clause were in Order, for it seemed to him that the Irish Members were setting the Chairman's ruling at defiance.

THE CHAIRMAN: I must point out how far this debate has gone away from the question. As hon. Members thought it necessary to answer the right hon. Gentleman, I did not think it right to stop the discussion; but they are wholly departing from the subject before the Committee, and it is not right to discuss generally the Emigration Clause on a Motion to report Progress.

MR. LEAMY apologized for departing from the ruling of the Chairman; but he supposed he should be in Order in discussing the Motion of the hon. Member for Wexford (Mr. Healy) as to a fixed sum. [THE CHAIRMAN: No, no.] He should then support the Motion to report Progress, because he had distinctly understood that on reaching this part of the Bill the Prime Minister would state the amount of money to be spent on emigration beyond which the Commission should not go. The Irish Members ought not to be asked to vote for the clause until they knew what would be the largest possible powers of the Commission, and in no Act of Parliament authorizing the Treasury to ad-

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vance sums of money was that power given without a limit being fixed. The Irish Members would divide on this clause, for it was almost more hateful than even the Coercion Bills.

MR. FINIGAN said, that the original object of this 26th clause was not assistance to, but deportation of, the poor people of Ireland. The Government had, however, conceded one point, and made the object assistance and not deportation, and he thought they would do well to follow out that concession by giving up the clause entirely.

THE CHAIRMAN: I have already informed several hon. Gentlemen that they cannot discuss this clause now; and if hon. Gentlemen say they will take the Forms of the House in opposing this clause, it is my duty to keep them strictly within those Forms.

MR. FINIGAN added, that he should vote against the clause *en bloc* and in every detail; but he was anxious that the Motion for Progress should be considered, with a view to some amicable and quiet arrangement for effecting a concession in the interests of the Irish Members.

SIR JOSEPH M'KENNA thought hon. Gentlemen might cease the discussion, and hoped the Motion would be withdrawn. [*Cries of "Divide!"*] He was not inclined to be silenced by interruptions.

THE CHAIRMAN: The hon. Gentleman must address himself to the Chair.

SIR JOSEPH M'KENNA: Well, Sir, I hope you will preserve Order in this House, and will not allow hon. Gentlemen opposite to shout me down.

THE CHAIRMAN: The hon. Gentleman is stating that the Chair is not doing its duty.

SIR JOSEPH M'KENNA said, he did not make that allegation, for the Chairman always did his duty, though hon. Members sometimes rendered that very difficult. There was no occasion he hoped for a division. He thought his hon. Friend (Mr. Biggar) would best promote his object by withdrawing the Motion, and allowing the Prime Minister to say what he, no doubt, would say at the proper time and place—what the limit of amount should be.

MR. BIGGAR asked permission to withdraw his Motion; but, as his conduct had been criticized adversely by some hon. Gentlemen, he wished to

deny first that he intended to suggest anything unkind or offensive with regard to the Prime Minister. What he specially objected to was that the Chief Secretary for Ireland, instead of meeting the Amendment of the hon. Member for Wexford (Mr. Healy) on its merits, and fulfilling the undertaking given by the Prime Minister, had pooh-poohed the Amendment and refused to re-promise what the Prime Minister had promised. As to the charge of Obstruction, his experience was that Ministers always failed to meet Amendments on their merits, but shuffled behind generalities; and nothing had a greater tendency than that to prolong discussion and defeat their object. The right hon. Gentleman (Mr. John Bright) had said the amounts advanced would be subject to a Vote by Parliament; but when everyone knew that the Minister of the day could always carry Votes by his majority, a statement such as that was rather too much for the credulity of hon. Members. Still, he had, he thought, attained his object of getting Ministers to seriously consider this question of a limit, and would withdraw his Motion.

Motion, by leave, *withdrawn*.

Amendment again proposed,

In page 18, line 21, after the word "sums," to insert "not exceeding twenty-five thousand pounds."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

MR. PARNELL said, that the Chief Secretary for Ireland had suggested it would be more convenient to consider the question of a limit at the end of the clause; but he should prefer to have the limit named now, because he could then better understand the views of the Government as to the extent to which the clause should be used in Ireland. But, of course, if the Prime Minister preferred to wait to the end of the clause, he should not wish to press him for the limit now.

MR. GLADSTONE: With regard to the remarks of the Irish Members as to fixing the limit, I stated that if they pressed it I should not be unwilling to accede to their desire to have a limitation named; but I am distinctly of opinion that it would not be well to name the limit of amount until we have settled the main conditions of the clause. What

I would suggest is that when we have gone through the conditional clause I will introduce, in the shape of a proviso and specification, a sub-section giving the maximum amount which may be laid out in any one year in virtue of the Act of Parliament. It seems to me that the jealousy of hon. Members as to this or that particular sum would be very materially influenced by the adjustment of the conditions.

MR. PARNELL said, he did not wish to press the matter; but he thought the jealousy to which the Prime Minister had referred would be best met by the limitation being now named. Hon. Members probably would not so strongly oppose the clause if they knew in advance that only a limited amount would be spent every year.

Question put, and *negatived*.

MR. J. N. RICHARDSON wished to submit the Amendment of which he had given Notice, and would leave it to the Committee without detaining hon. Members by any remarks.

Amendment proposed,

In page 18, line 21, after the word "expend," to insert "in assisting tenants in needy circumstances to emigrate with their families from the poorer and more thickly-populated districts of Ireland."—(Mr. J. N. Richardson.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER reminded the Committee that he intended to propose to insert the words "especially of families," after the word "emigration." The object he had in view was this. Undoubtedly, the emigration must be subject to the permission of the Treasury, and the great object must be to relieve the poorer districts; but he did not think it would be well to insert the actual words, as proposed, because it would be hard that a poor family wishing to emigrate, and capable of doing well by emigration, should be shut out from the advantages because they did not come from a district specified in the Act. On the other hand, he did not think the Act would be so worked as to benefit people who were well-off and did not want any State assistance.

MR. A. MOORE strongly supported the Amendment, because he could not vote for the clause unless it was properly limited and guarded. The Emi-

gration Clause was a most dangerous clause, and it was only because of the absolute necessities of the case in some congested districts that he could support it at all. What guarantee would there be for the procedure of the Commission in after years if some such words as these proposed were not introduced? How long was the clause to remain on the Statute Book? So long as the present Chief Secretary for Ireland should have the direction of the clauses he should have implicit confidence that it would not be abused. The right hon. Gentleman had had a difficult post to fill, and he (Mr. Moore) should have complete confidence in him; but, hereafter, great pressure might be put on the Commission, and it was of the greatest importance to put a limit on the operation of the clause, not only as to districts but as to time. It was not right or moral to tempt people by large bribes to leave their homes where the Almighty had placed them.

MR. W. E. FORSTER thought he could suggest words to meet the case. The condition of some of the Irish labourers was as bad as that of any in the Three Kingdoms, and it would be hard if the clause were not so worked as to apply to them. He would ask the hon. Member for Armagh to withdraw his Amendment, and he would propose, after "emigration," to introduce the words "especially of families from the poorer and more thickly-populated districts of Ireland." That would not be a hard-and-fast line.

MR. PARNELL quite agreed that the labourer should be permitted to emigrate equally with the tenant; but the contention of the Government all along had been that it was their intention to assist families to emigrate. Why not, then, confine the assistance to families, leaving out the word "especially?" Unmarried people, if they wished to emigrate, could do so out of their own resources, and the young people were the people most wanted in Ireland.

MR. W. E. FORSTER said, one effect of absolutely confining the assistance to families would be that if a young woman saw a good chance of doing well by emigrating, she would have to go out unprotected, and he thought protection in such a case ought to be ensured.

MR. CALLAN thought it would be better to postpone the Amendment till

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that of the Chief Secretary for Ireland was reached, and suggested that the Amendment should be amended by the introduction of the words "and agricultural labourers," so that assistance should be given to needy tenants and agricultural labourers with their families. He objected to the clause being restricted to certain districts.

Amendment proposed,

In second line of proposed Amendment, after the word "circumstances," to insert "and agricultural labourers."—(*Mr. Callan.*)

Question proposed, "That those words be there inserted."

MR. J. N. RICHARDSON offered to withdraw his Amendment.

MR. CALLAN said, he also should have no objection to withdraw his Amendment, if the Chief Secretary for Ireland would accept it when he came to his own Amendment. Otherwise, he must persevere with it.

MR. LEAMY said, he was wholly opposed to this scheme of emigration; but it seemed ridiculous to refuse to allow labourers to emigrate. An hon. Baronet had urged the emigration of the small tenants—the men who made the agitation which had won this Bill—but not of the poor labourers. The object of the Bill was to clear out the small holders; but if assistance was to be given at all, it should be given to the labourers.

MR. BIGGAR suggested that if there was any real objection to the Amendment it should be given now, and not postponed only to be re-opened at some future point.

MR. A. M. SULLIVAN objected to the view of the hon. Member for Cavan (Mr. Biggar), and said he preferred the Amendment of the Chief Secretary for Ireland to that now proposed.

MR. BLAKE hoped both Amendments would be withdrawn.

Amendment to proposed Amendment (*Mr. Callan*), by leave, *withdrawn*.

Amendment (*Mr. J. N. Richardson*), by leave, *withdrawn*.

MR. W. E. FORSTER moved to omit the word "promoting," and to insert "assisting."

Amendment proposed, in page 18, line 22, to leave out the word "promoting," in order to insert the word "assisting."—(*Mr. William Edward Forster.*)

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Question proposed, "That the word 'promoting' stand part of the Clause."

MR. R. POWER inquired what the difference was between "promoting" and "assisting?"

MR. W. E. FORSTER replied, that "promote" was supposed to mean to stimulate or force, and finding some objection to the word, he had put in "assist."

Question put, and *negatived*.

Question, "That the word 'assisting' be there inserted," put, and *agreed to*.

MR. W. E. FORSTER proposed to insert the words "especially of families, and from the poorer and more thickly-populated districts of Ireland."

Amendment proposed,

In page 18, line 22, omit the word "from," in order to insert "especially of families, and from the poorer and more thickly-populated districts of Ireland."—(*Mr. William Edward Forster.*)

Question proposed, "That the word 'from' stand part of the Clause."

MR. CALLAN thought the proposed words vague, and asked for some explanation of what they meant. The more thickly-populated district in Ireland was Ulster, and the poorer district was Connaught. Were Leinster and Munster to be left to fish for themselves?

MR. W. E. FORSTER thought the meaning of the words was perfectly well understood, and it was much better not to lay that down too specifically in the clause. There were districts so crowded that no alteration of the Land Laws would do what was necessary for the relief of the people, and they had been frequently described in the House.

MR. LEAMY said, the Chief Secretary for Ireland, being so well acquainted with every dissolute village ruffian in Ireland, ought to be able to say which were the poorer districts. The Committee did not know who the Commissioners might be, and as they might be all Englishmen, this information as to the meaning of the Amendment ought to be given. If a labourer wished to emigrate with his family, would he be refused assistance because he was not in a thickly-populated district?

MR. W. E. FORSTER said, it was necessary that a close line should not

be drawn by specifying any particular district.

MR. A. M. SULLIVAN sympathized with the object of his hon. Friends; but he thought it would be a mistake to schedule particular districts in the Bill. If he might, he would like to suggest that the Commission should be put in operation on the application of the Board of Guardians of a district.

MR. R. POWER could not understand the words, and could not find in any Act of Parliament any words of such a peculiar description. How on earth was the Commission to know which parts of Ireland were the poorer and more thickly populated, unless there was some district authority to call in their action? He supported the suggestion of his hon. and learned Friend (Mr. A. M. Sullivan).

MR. LEAMY thought it would be of advantage to the Commission and to the people interested if the local authorities had power to apply to the Commission.

MR. W. E. FORSTER said, he did not think there should be any condition requiring applications to come from the Boards of Guardians.

*Amendment agreed to; words inserted accordingly.*

MR. A. M. SULLIVAN proposed to insert, after the word "Ireland," the words—

"Provided always, That the Commission shall apply such assistance only to residents in any Poor Law Union the Guardians of which shall apply to have such Union declared an area for the purposes of this clause."

THE CHAIRMAN: I doubt whether this Amendment can be put, on account of a similar restriction made yesterday.

MR. CALLAN pointed out that there were several Amendments on the Paper after "Ireland," and asked whether they would not have precedence over this Amendment?

THE CHAIRMAN: The hon. Member (Mr. Callan) is perfectly correct. This Amendment cannot be put till after those on the Paper. The Amendment of the hon. Baronet (Sir Hervey Bruce) is irregular and not within the scope of the Bill. It therefore cannot be put. The next Amendment is that in the name of the hon. Member for Waterford County (Mr. R. Power).

MR. PARNELL asked whether the Committee had decided that the Bill should only apply to Ireland?

MR. CALLAN said, the hon. Member for Cork City (Mr. Parnell) was perfectly correct. If they referred to page 27 of the Bill, they would find, by the 49th clause, "this Bill shall not apply to England or Scotland." Until the Committee had passed the 49th clause, the hon. Member was correct in the point he had raised.

THE CHAIRMAN: The title of the Bill is—"To further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto."

MR. LEAMY asked if it was not a fact that unless a Bill was expressly confined to England or Ireland or Scotland, it extended to the three countries?

THE CHAIRMAN: The Bill is expressly confined to Ireland, and it can only be extended to England and Scotland by a special Instruction of the House.

MR. CALLAN, in moving, as an Amendment, to insert in page 18, line 22, after "Ireland," the words—

"But in all such agreements for the advance of money the following conditions shall be imposed (that is to say):—

"(a.) The emigration shall be to a temperate climate;

"(b.) The emigration shall in all cases include the whole family;

"(c.) That each family shall be allotted a free grant of land;

"(d.) That each family shall be supplied sufficient food for support till they have time to raise a crop;

"(e.) That due security be given for the satisfactory conveyance of each emigrating family, free of expense and any charge on their respective allotments;"

said, they had read of the evils attending the great emigration after the Famine of 1847. They had still the horrors of the Lansdowne Ward in New York fresh in their memory; they were aware of the horrors which marked the progress of the emigrant ships from Ireland to America; they were equally cognizant of the sufferings and privations which the poor emigrants had to endure upon their arrival in America; and it was to guard against a recurrence of these things that he now made this Motion. It was not at all desirable that persons should be despatched to the cold regions of the Hudson Bay, or that they should be sent to the swamps of Virginia or to the unhealthy rice districts of Carolina. Of course, he could conceive that there would be objections to the second con-

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dition he proposed, because there might be cases where some members of a family might be unwilling to emigrate, or where some persons could not leave the country. He believed, however, his third condition would impose an effective check upon the speculative Companies who were always found ready to take up emigration schemes. There could be no objection to the other conditions. It was only proper that care should be taken that emigrants were not huddled together on board ship, as had happened on previous occasions. If it was desired to promote emigration for charitable and benevolent purposes, the Committee should insist that the Companies whom they assisted should give ample security that these conditions would be complied with; for who, in his benevolence, would wish to cast poor families on American soil, unless they had sufficient means of subsistence until they could raise a crop? Each of the conditions he recommended would commend itself to the good feeling of the Committee.

**THE CHAIRMAN:** The second condition cannot be well moved now, as it is inconsistent with the words "especially of families." The rest of the conditions can be moved.

#### Amendment proposed,

In page 18, line 22, after the word "Ireland," to insert the words "but in all such agreements for the advance of money the following conditions shall be imposed (that is to say):—

- "(a.) The emigration shall be to a temperate climate;
- "(b.) That each family shall be allotted a free grant of land;
- "(c.) That each family shall be supplied sufficient food for support till they have time to raise a crop;
- "(d.) That due security be given for the satisfactory conveyance of each emigrating family, free of expense and any charge on their respective allotments."—(*Mr. Callan.*)

Question proposed, "That those words be there inserted."

**SIR JOSEPH M'KENNA** hoped his hon. Friend (*Mr. Callan*) was not serious. Anything more extraordinary or restrictive than the proposed conditions it was impossible to conceive. If the object of the hon. Member was to render the clause utterly nugatory, it was not possible for his inventive genius to propound anything more calculated to do so.

**MR. LEAMY** was surprised at the remarks which had just fallen from his

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hon. Friend (*Sir Joseph M'Kenna*). What was the position of the hon. Member for Louth (*Mr. Callan*)? It was simply this—that the Commission, before it consented to allow families to be removed, should ascertain that all the conditions suggested by his hon. Friend were complied with. It was a notorious fact that people had been induced to go away from Ireland on the promise that they would get land free; but that when they got to their destination they found they had to clean the land, and that there was nothing given them to subsist upon until they could get in a harvest. The Land Commission would not be carrying out the wishes of the supporters of this clause unless they insisted upon some such conditions as those now suggested being carried out. Only yesterday they were given a description of the Province of Manitoba, to which it was proposed to send Irish tenants. The hon. Member for Waterford County (*Mr. Blake*) seemed to think it was an excellent place for people, although, in describing the temperature of the Province, he said at one time it was greatly below zero and at another time much above 100 degrees. He (*Mr. Leamy*) could not help thinking, as he listened to the remarks of the hon. Member, of the description which *Milton* gave of the vicissitudes of heat and cold in a certain unmentionable place. It was not enough that the people should be transported from Ireland to America, but he and his hon. Friends wanted to know what would become of the people when they landed on the other side of the Atlantic; they wanted to receive the assurance that each family emigrating should be allowed a grant of land, and that each family should be supplied with sufficient food till the harvest. Supposing the Bill came into operation two months hence, a number of the people who would be emigrated would go out towards the end of November. What would be the use of giving them a free grant of land unless they also received something to subsist upon until they raised a crop?

**MR. A. M. SULLIVAN** considered the adoption of the Amendment would be the ruin of Ireland, because there would not be a poor man in the country who would not apply for the advantages indicated in the Amendment. If the

first batch of Irish emigrants were deported to a place in which they could not live it would have the excellent effect which many so much desired—namely, of preventing this clause working any further. If they passed this Amendment the consequence would be that things would be made so pleasant that it would be impossible to keep the people in Ireland. He hoped the hon. Gentleman the Member for Louth (Mr. Callan) would not persevere in his proposal.

MR. R. POWER thought it was only proper that the emigrants should be provided for as well as possible by a generous grant of the Government. The hon. Member for Youghal (Sir Joseph M'Kenna) expressed surprise at the Amendment, and seemed to doubt the seriousness of the hon. Member for Louth (Mr. Callan). He (Mr. Power) did not know whether his hon. Friend was serious or not; but the Amendment he had moved was in itself rather vague and somewhat complicated. In the first place, he proposed that emigration should be to a temperate climate. Now, there were many Irishmen who would be very glad to go to a very cold climate, and there were others who would prefer a warm climate. In fact, to carry out the suggestion of the hon. Gentleman thoroughly it would be requisite to have thermometers in the different places to which emigrants would probably be sent, and to have the readings communicated to the people at home. He would certainly disapprove of emigrating whole families; because, if this were done, nobody would be left at home, and the land would become an utter waste. If anyone were to be sent away, they ought to be those people who were now no use in the country. Furthermore, the hon. Gentleman proposed that each family should receive a free grant of land. The quantity of land was not stated; it might be only 9 acres, and a family might consist of nine persons. Certain unpleasantness might arise in families, and perhaps one brother would think he ought to have two acres and his brother none at all. This would lead to a great deal of confusion; and to avoid this it would be requisite that each member of a family should be allowed a free grant of land. The condition as to supply of food until the emigrants had time to

raise a crop was very indefinite, because it might so happen that there was a succession of bad seasons after the arrival of the emigrants, and that the crops would be worth nothing at all. The last condition, which related to the conveyance of the emigrating family, was perfectly impracticable. He trusted his hon. Friend would not press his Amendment.

MR. BLAKE confessed that he should be glad to see the Amendment embodied in the Bill, with the exception of one portion which required some explanation, and that portion was that "the emigration shall be to a temperate climate." It was an exceedingly difficult thing to find what was meant by a temperate climate. If the Amendment were carried out in its entirety, the only part of the United States that could be considered to have a temperate climate was California, and a portion of the British Dominion in the North-West. He wished to remove an error that had prevailed in that House, and that was that it was the intention of the Government to emigrate a large portion of people to Manitoba. That would be simply impossible, because the greater portion of Manitoba was already taken up, and nearly the whole of the only valuable portion of the Province was in the possession of the Hudson Bay Company, who were asking large prices for their land. As they approached the Rocky Mountains the climate unquestionably improved. The climate of Manitoba was undoubtedly very cold in winter, and very warm in the summer months; but he would venture to point out that if the climate was suitable for the sons of English gentlemen and their wives and families it ought to be suitable for his hardy countrymen.

MR. CALLAN said, he should have much pleasure in withdrawing, at once, the condition, "The emigration shall be to a temperate climate." The explanation of the hon. Member for Waterford County (Mr. Blake) was sufficient to show him the wisdom of withdrawing it. It was, however, his intention to go to a division on the remaining portion of the Amendment.

MR. GLADSTONE said, he could not see any advantage that would arise from the adoption of the Amendment. They could not agree that emigration should, in all cases, include whole families.

THE CHAIRMAN: I ruled that that condition could not be moved.

MR. GLADSTONE, continuing, said, the next condition proposed was that each family should be allotted a free grant of land. But families might not necessarily go in for agricultural pursuits. Was it intended that a single person should not be allowed to emigrate unless he was going for agricultural purposes?

MR. CALLAN said, he merely proposed that each family should have a free grant of land.

MR. GLADSTONE asked if everybody in Ireland was to be prevented from taking advantage of this clause unless he was prepared to take a free grant of land? The next condition proposed by the hon. Member was that each family should be supplied with food until he could raise a crop. That was evidently a question of detail, and no fixed rule could be laid down. It was also proposed—

“That due security be given for the satisfactory conveyance of each emigrating family, free of expense and any charge on their respective allotments;”

that was to say, that all the people who emigrated were to go purely upon eleemosynary principles. These were not things to which they could consent, because they would only tend to tie up the Commission. The Government, therefore, were prepared to meet the Amendment with a direct negative.

MR. PARNELL certainly thought it was a reasonable stipulation his hon. Friend (Mr. Callan) suggested—namely, that a family emigrating should have a grant of land. He had always understood that one of the principal reasons why the Government brought forward this Emigration Clause was to enable the Irish people to emigrate to America or elsewhere, and to get on the land, instead of, as at present, hanging about the Eastern seaport towns. Surely the already overburdened labour market of the United States of America must tell them that, and certainly the working classes there would not thank England for sending out a number of poor Irish families to compete with them, and to reduce their already too scanty wages. That was certainly not the intention of the Government, as he had supposed up to the present time. Well, if that was not the intention of the Government

what objection had the Prime Minister to this Amendment? The right hon. Gentleman had asked Parliament to agree to a very unusual and extraordinary thing—a thing, he (Mr. Parnell) believed, unprecedented in modern English history—namely, a grant of money by the State for the purpose of assisting emigration from Ireland. If the views of the Government were that the agricultural classes in Ireland, who were accustomed to working on the land and not in mills, should be allowed to better their condition by, in the case of tenants, giving them larger holdings in America and in Canada than in Ireland, and, in the case of agricultural labourers, by changing their position from labourers to that of owners of small farms, why were they not prepared to insert some such provision in the Bill? As it was, they would have a great number of people going to earn daily wages, there would be a large class of emigrants whom this clause would not affect at all; but as regarded the State assistance of emigration, it was only reasonable that the last three conditions proposed by the hon. Member (Mr. Callan) should be observed. He would not adhere resolutely to the phrase “free grant of land” in sub-section C; but would suggest that the sub-section should read—“That each family shall be allotted a grant of land on such terms as may seem suitable to the Commission.”

MR. GLADSTONE wondered whether hon. Gentlemen were of opinion that persons earning daily wages should be absolutely shut out from emigration?

MR. CALLAN said, if such people were offered a free grant of land they would, no doubt, accept it. He would, under the circumstances, ask leave to withdraw the Amendment, and request to be allowed to modify sub-section C, so that it should read—

“That each family shall be allotted what, in the opinion of the Commission, shall be a suitable plot of land.”

If he could not get permission to withdraw the Amendment, but was forced to a division, he hoped the hon. Member for Waterford County (Mr. Blake) would go with him, because he was prepared to withdraw the condition to which the hon. Gentleman had taken objection. He should also be most happy to accept the suggestion of the

hon. Member for the City of Cork (Mr. Parnell).

**THE CHAIRMAN:** I think it would be better to bring the Amendment up in an amended form.

**MR. HEALY** rose to a point of Order. When the hon. Member for Louth (Mr. Callan) wanted to do this upon a previous clause, the Chairman ruled that the second proposition was much the same as the first, and therefore could not be put. Would the Chairman rule that, in this instance, the hon. Member could bring up the Amendment in an amended form?

**THE CHAIRMAN** saw no similarity between the two cases.

**MR. DAWSON** suggested that subsection C should read — "That each family who desire it shall be allotted a plot of land." That would meet the views of both the hon. Member for the City of Cork (Mr. Parnell) and the hon. Member for Louth (Mr. Callan).

**MR. GLADSTONE** said, it was quite impossible to deal with Amendments moved by hon. Gentlemen who did not know their own minds. The least they could do was to know what they wanted before placing the Amendments on the Paper.

**MR. A. M. SULLIVAN** hoped permission would be given to the hon. Member (Mr. Callan) to withdraw his Amendment, in order that something in the nature of this Amendment might be moved by him or someone else—

"Provided always, that regard shall be had to the desirability of assisting such emigrants only to agricultural localities, or to places where such emigrants may have facilities for acquiring homesteads."

He desired that an instruction of this kind should be given to the Commission without laying such a mandate upon them as the Amendment proposed.

**THE CHAIRMAN:** The Amendment of the hon. Member for Louth (Mr. Callan) is not yet disposed of.

**MR. CALLAN** hoped the Government would accede to the withdrawal of the Amendment, and allow it to be brought forward on a subsequent occasion in an amended form. The Irish Members had been charged with not knowing their own minds; but, if his memory served him right, there had been more than one change of mind on the part of the Government themselves since the Bill had been introduced.

**THE CHAIRMAN:** The hon. Member is not speaking directly to the question of the withdrawal of the Amendment.

**MR. HEALY** complained that the Government had given the Committee no information whatever as to their intentions, except that they proposed to deport a large number of the Irish people. He (Mr. Healy) asked the Government, if they wished to gain the confidence of the Irish Members and of the Irish people in respect to the emigration scheme, to give a more detailed explanation of their intentions. The Government might appoint a Land Commission and authorize them to put the Emigration Clause into force; but the Irish people would not accept the scheme unless they were informed as to the conditions. A charge of change of front had been made against the Irish Members; but the Government themselves changed front so often that it was difficult to know when they had them. It was ridiculous to accuse the Irish Members with not knowing their own minds simply because one of their number proposed to amend a particular clause which the Government declined to accept; and the charge was all the more unreasonable when they remembered that the Government was continually giving lamentable instances of change of front.

**MR. LEAMY** thought the Government ought to allow the Amendment to be withdrawn, so that it might be amended. The Government now proposed to do what had never been done by a Government before. For the last 50 years emigration schemes had been got up and recommended by men who were hostile to the Irish people; but though such schemes had been approved of from time to time by right hon. Gentlemen sitting on the Treasury Benches, no Administration had ever attempted to do what was now proposed to be done by the present Government, which boasted of being the champion of liberty and freedom throughout the world. He maintained that the Representatives of Ireland had a right to demand from the Government some explanation as to what they proposed to do with the Irish emigrants after they had induced them to leave their native land. At present the Committee had no information as to what was to become of them when



they reached their destination. They had been told that arrangements would be made for their "reception;" but that was a vague term which might fairly be interpreted in many ways. He wished to know whether small tenants, who might be induced to leave their homes in the West of Ireland, would be supplied with land upon their arrival in the new country; or whether they would simply receive some assistance for a month or two, until such time as they might find employment as labourers? Would the nature of the arrangements for their reception include proper accommodation for the emigrants, and some proper means of gaining a livelihood? If that were so, he was entirely at a loss to understand why the Chief Secretary should hesitate to say so openly and frankly in the Bill.

MR. WALTER said, that, having had some experience of assisting people to emigrate to Canada, he should like to mention one or two cases with a view of showing that it by no means followed that it was desirable that all emigrants from the agricultural classes should at once become freeholders. Hon. Members from Ireland must remember that the conditions of farming in America were very different from those in Ireland. Although he would be exceedingly glad indeed to see a great many Irish labourers and tenant farmers settled in comfortable homesteads in Canada or America, still he thought that a few years' apprenticeship under the new system of farming would be of great advantage to them before they entered upon the enviable position of freeholders. He was quite satisfied that they would do far better as labourers for a time, as the experience they would gain would be of the utmost assistance afterwards when they began to farm for themselves. It was within his own knowledge that people sometimes turned out very different, under the changed conditions of a new country, to what their previous training would lead those who knew them to expect. For instance, some 14 or 15 years ago, he assisted a large family to emigrate to Canada. The head of the family was a clever shoemaker. He did not, however, make a living in Berkshire, and he (Mr. Walter) supplied him with means for going to Canada. He followed his usual employment there for some years, and,

having done extremely well, he changed his occupation to that of farming; the only thing he now complained of was the want of labour, and he stated that he would be thankful for labour of any kind. He (Mr. Walter) also sent to Canada a tenant farmer who rented 100 acres. He was a very good farmer; but he did not succeed; and on arriving in Canada, instead of pursuing his accustomed occupation, he accepted a remunerative post on board a ship running along the American coast. Those instances went to show that a man's previous training by no means indicated the kind of occupation which would most suit him when he became a Colonist.

MR. BIGGAR thought that if it was really meant that any attention was to be paid to the emigrants after their arrival, no provision less than that proposed in the clause would be of any benefit to them. It had been stated that the real intention of the Government was simply to induce the Irish people to go to America, to turn them adrift in some city, and leave them to their own devices. Whether that was true or not, that was certainly what would take place if some such provision as that proposed were not put in the Bill. As the measure at present stood, it contained no suggestion whatever for the guidance or instruction of the Commission in this important particular; and, failing the necessary instructions, the Commissioners would simply follow the example of others before them who had superintended emigration schemes and turn the people adrift to find employment as day labourers as best they could. The Amendment of his hon. Friend (Mr. Callan), however, would, if adopted, secure that the emigrants would be taken to places where they would find employment similar to that to which they had been accustomed in their native country.

MR. CALLAN produced a copy of the despatch of the Governor General of Canada, presented to Parliament by command of the Queen, relating to the arrangements made by the Canadian Government for the reception and treatment of emigrants from the United Kingdom, and pointed out that one of the provisions was that each emigrant was to be supplied with 140 acres of land, the hon. Gentleman remarking that if the Government did not accept the proposal similar conditions should

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be introduced into the Bill. Irish emigrants to Canada under the scheme would be deprived of the free grant of land.

Question put.

The Committee *divided*:—Ayes 22; Noes 260: Majority 238.—(Div. List, No. 306.)

MR. HEALY moved, in page 18, line 22, after the word "Ireland," to insert the words—

"Provided always, That, under any scheme of emigration, no voters shall be removed out of any district where, and during the time when, an election for any Parliamentary, Municipal, Poor Law, or County Board vacancy is then pending."

He said that as, of course, all schemes of emigration had to be reported to Parliament by the Central Commission, and to the Central Commission by Inspectors, the Commission would not be the judges of whether a scheme in a particular district was advisable or desirable, or as to the time when it was desirable that the scheme should be initiated. They would be guided entirely by local circumstances—that was to say, that if the Government sent down a man anywhere to make inquiries, the first persons he would go to would be the police, and the next the resident magistrate. Having done the resident magistrate, he would go round to the landlords—that was to say, he would touch the fringe of the whole hierarchy, while the people themselves were left entirely untouched. The contention of himself and his Friends was that it was possible so to time a large emigration scheme that it would chime in with a particular local election in a manner that would greatly influence the result of that election. They knew very well that the Chief Secretary for Ireland was very fond of imprisoning Poor Law Guardians. In one Union alone he had imprisoned nearly half-a-dozen local representatives of public opinion. What were the facts then? That the Board of Guardians was so depleted of the representatives of popular opinion that the *ex-officio* members who were by law appointed in the same proportion as the elected Guardians could at a particular election—let them say for a surgeon, or clerk, or any other official of the Board—carry the election in their own way owing to the

arrests of the Chief Secretary for Ireland, and the deprivation of the Board of its elected Members. The *ex-officio* Guardians thus had it all their own way. Supposing a scheme of emigration were adopted at a particular time in a particular district, the same thing would happen. He did not say, in fact he was very far from saying, that that was the object of the Government in proposing that scheme; but owing to the influence of local magnates a particular scheme might be so timed as to chime in very opportunely with the election of the local representatives, and the *ex-officio* members would have matters all their own way. They might find in a borough—because the franchise was very limited in spite of the frequent promises of the Government to assimilate it with the English—that out of 300 or 400 voters, 50 or 60 might be included in the scheme, a number whose absence might be sufficient to turn the scale in the desired direction. They might find the same thing occurring in regard to Poor Law Guardians and Municipal Elections. Upon all those grounds he thought it would be wiser for the Government to accept the Amendment, so that there would be no fear of any sinister motive actuating the local Inspectors in carrying out the emigration scheme.

Amendment proposed,

In page 18, line 22, after the word "Ireland," to insert the words "Provided always, That, under any scheme of emigration, no voters shall be removed out of any district where and during the time when an election for any Parliamentary, Municipal, Poor Law, or County Board vacancy is then pending."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

MR. LEAMY said, he thought that they ought to have some explanation from the Government as to their views on the Amendment. He did not think for a moment that the Government would lend themselves to any scheme which would prevent the popular voice being expressed in the elections in Ireland; but, on the other hand, he thought it was quite possible that there were persons in Ireland who might take advantage of opportunities to do so; but, whether that were so or not, the Amendment was one which was allowed to be put from the Chair, and that being so, he thought they should have some

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expression of opinion on the part of the Government.

MR. R. POWER said, he really thought the Government ought to let the Committee know what they thought about the Amendment. If they would not, he would let them know what he thought about it. The Amendment said that under any scheme of emigration no voters shall be removed out of any district where, and during the time when, an Election for any Parliamentary, Municipal, Poor Law, or County Board vacancy is then pending. It might happen that the time during which an election was taking place might be the very time—perhaps the summer time, when the weather was fine—that the people would be wanting to go away. The Amendment, if it were carried, would prevent their doing so; and, therefore, if it were carried, he should propose to move to add at the end, if his hon. Friend (Mr. Healy) would allow him, the words “unless they expressly desire it.”

Question put.

The Committee *divided*:—Ayes 13; Noes 220: Majority 207.—(Div. List, No. 307.)

THE CHAIRMAN: The next Amendment is in the name of the hon. and learned Member for Meath (Mr. A. M. Sullivan); but as it would subject the Commission to the action of the Poor Law Guardians, and as that proposition was negatived yesterday, it cannot be moved.

MR. LEAMY: On the point of Order, Sir, I would respectfully submit that the Amendment which was moved yesterday by the noble Lord the Member for Woodstock—

THE CHAIRMAN: Order, Order! I have already given a decision on that point. I now call upon Mr. W. E. Forster.

MR. W. E. FORSTER: I now, Sir, beg to move, in page 18, line 24, to insert the words “and for securing the satisfactory shipment, transport, and reception of the emigrants.” In doing so, we consider that that would insure that there would be proper arrangements for putting the emigrants on board, for taking them wherever they may desire to go, and for giving them a proper reception when they arrive at their destination.

Amendment proposed,

In page 18, line 24, to insert “and for securing the satisfactory shipment, transport, and reception of the emigrants.”—(Mr. William Edward Forster.)

Question proposed, “That those words be there inserted.”

MR. T. P. O’CONNOR said, he really thought that the Chief Secretary for Ireland had scarcely treated the Committee with courtesy, and that he had scarcely fulfilled something in the nature of an engagement which he had given earlier in the evening. He had proposed that Amendment without one word of comment as to what he meant by the words. He supposed that the right hon. Gentleman did that under the supposition that he was thereby saving time. But he (Mr. T. P. O’Connor) confessed it appeared to him a most extraordinary way of saving time to propose an Amendment without explanation, and to leave the Committee by cross-examination to get out of the right hon. Gentleman what it was he really meant. Now, he wanted to know the meaning of every single word of that Amendment. He wanted to know what the right hon. Gentleman meant by “the shipment, transport, and reception of the emigrants?” What did reception mean? That was not the first time he had asked the question in the course of that evening, and in spite of the questions he had ventured to put to Ministers, the Chief Secretary for Ireland got up in his place and took it for granted that they were going to allow his Amendment to pass without a word of comment. Now, the word reception might mean anything or nothing. It might mean that the emigration agent was at Castle Garden—he was obliged to repeat himself, because his questions had not been answered earlier by the Chief Secretary for Ireland—or it might mean that the emigration agent was to bring the emigrant to a proper settlement, to allot him a proper portion of the country, to see that he had work to do and a house to dwell in, or to give him the means to construct a house, so that he should have a good start in his new home with something like a chance of success therein. What was “the shipment, transport, and reception of emigrants?” He had proposed that evening, and he had subjected himself to the lightning-like invective of

the Prime Minister for doing so, that they should demand of the responsible bodies that they should undertake to find proper employment, proper houses, and a proper settlement for the emigrants whom they took under their charge. Well, it might be said that such detailed instructions were limiting the action of the Land Commissioners. He wanted to limit their action, so that they might be compelled by the terms of their bond to treat the emigrants in a proper manner. He made these observations in the hope that the Chief Secretary for Ireland might see his way to make some explanations, and to suggest some better words. He wished to ask the right hon. Gentleman, through the Chairman, whether he refused to give any answer to the question?

MR. LEAMY: As the right hon. Gentleman does not condescend to give any explanation, I move, Sir, that you do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Leamy.)*

MR. GLADSTONE: Sir, we have been very unwilling to say anything in the course of this debate, so far as we have been able to avoid it, that would lead to dissatisfaction. But I speak on the morning of the 15th of July, and this is the third day we have spent on the Emigration Clause, with respect to which we have declared our willingness to limit its action in funds. We have developed the general words of the clause for the purpose of giving every satisfaction, as we hope, to every reasonable person. We have supplied the Commissioners with instructions amply sufficient if they are rational—I will not say high-minded—to defend them against serious error; and now we are met by the hon. Member for Galway (Mr. T. P. O'Connor), who, in his speech, stated that which was wholly inaccurate—namely, that my right hon. Friend had proposed his Amendment without a word of explanation, when my right hon. Friend had given a most careful, though concise, explanation of the only three words in the Amendment which could possibly require it—"shipment," "transport," and "reception." Under these circumstances, because the right hon. Gentleman declines to be the instrument—I will not say of hon. Gen-

tlemen opposite; I will not even say of hon. Gentlemen in that particular quarter of the House, because they are but a limited portion of those who commonly sit in that quarter of the House, who are parties to the operations that are now deliberately carried on—having miserably failed in their attempts to denounce this Bill in Ireland, they now seek, by offering an obstructive opposition, and by attempting to attach to this Emigration Clause impossible conditions, again to set up their reputation among their own countrymen as those who really and truly demand what is for the good of Ireland; and this, as we well understand, is their capital, their method, for repairing and making good the damaged reputation they now have in Ireland. If the avowal of these facts is torn from me, I cannot refuse to make it. I have sat here in patience from day to day, witnessing with a pain not to be described—I admit the success of a small handful of Members in this respect—with a pain not to be described, the degradation which has been inflicted on this noble Assembly—

MR. HEALY rose to Order. The Chairman had, on the previous day, ruled that it was not in Order to discuss, on a Motion to report Progress, anything but arguments in support of that Motion.

The CHAIRMAN called upon

MR. GLADSTONE, who, resuming, said: The degradation which has been inflicted upon this noble Assembly, which for generations and for centuries has had for its main study to adapt every one of its arrangements to defending the rights of minorities, to secure liberty of speech, to prevent oppression by numbers of those who might have reason on their side. We have seen every one of these admirable Rules systematically perverted for the sake of intercepting, by mere persistence, and by words multiplied without a thought, or without an attempt at persuasion, the deliberate convictions of this House, and taking its legislative functions out of the hands of the great mass of its Members, in order to place them within the power of a minority reduced from day to day by the defection of its more moderate Members, subject as they have been from time to time to the reproaches of those who will not go to the measureless extremes of the hand-

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ful I have in view. This is the state of things in which the Committee has to determine whether it will succumb to the attempts which are made from such a quarter, in such a spirit, with such an unblushing openness; or whether it will this night, by carrying forward to its conclusion, and taking the definitive judgment of the Committee on the clause relating to emigration, assent and vindicate its former rights against the unworthy efforts by which they are sought to be defeated and destroyed.

Mr. T. P. O'CONNOR said, there was a very deliberate purpose and a clever stratagem beneath the apparently hot and excited language of the Prime Minister. The Prime Minister knew perfectly well what he was doing in addressing that hot and violent and inflammatory language to his very excited and excitable followers. What was really the state of the case? The Prime Minister wished to hide and cover out of sight an almost imbecile mistake of tactics in respect to this Bill, and to throw on the innocent shoulders of the Irish Members the perilous delay in the progress of the Bill, which was entirely due to the compound folly and timidity with which the Government had acted. What might the Government have done? They might have abandoned this clause on the first night it was introduced. There might have been some little protest from the Opposition Benches, because this was the only part of the Bill which commended itself to the Conservatives either in that House or in "another place." Had the clause been supported with unanimity by the right hon. Gentleman's own Colleagues? By whom had the strongest arguments against the clause been made? By the hon. Member for Sunderland (Mr. Storey), and the hon. Member for Stafford (Mr. Macdonald).

Mr. T. D. SULLIVAN, rising to Order, asked whether it was in Order for Gentlemen standing below the Bar to make interruptions?

THE CHAIRMAN: I have heard no interruptions that were disorderly.

Mr. T. P. O'CONNOR, resuming, asked, did the Liberal Party, did the Democratic Party, sneer at the hon. Member for Stafford? The hon. Member for Stafford and the hon. Member for Sunderland were far more representative men than the brainless and nameless

creations of caucuses or other organizations. The right hon. Gentleman had got up, and, in words of almost penitence, had invited the Irish Members to force him to abandon this clause. He was quite willing to fish for their opinion on this question; but did he not already know the opinion of a considerable section of the Irish Party upon it? If not, let him go to a single division, and see if he could find a majority of the Irish National Representatives in favour of the clause. The Prime Minister had, with a plaintiveness that appealed to every heart in that Assembly, remarked on the lateness of the Session; but if he had only had the good sense to give up the clause three or four days ago, the Committee, instead of being at the 26th clause, might now have been discussing the 35th or the 40th. Was this clause so important that it should imperil the whole Bill? The Irish Members had given a loyal support to the Bill as far as they could; and he should like to ask who saved the Government when their own friends nearly defeated them—when that treacherous friend of the Bill, the hon. Member for Great Grimsby (Mr. Heneage) tried to minimize and destroy it? He asked for an answer to that—not in the purposely inflammatory language of the Prime Minister, but in the language of fact and sense? Who delayed the progress of the Bill for many days after the House got into Committee? The noble Lord who, for his pains, according to popular rumour, was now to be tranquillized and rewarded for his obstruction to the Bill, by being transferred to the eminence which was occupied by the Prime Minister and his Colleagues. Who had all the Amendments on the Paper, and who made all the speeches? The Whig Members; and the Prime Minister, the head of the Government, was not ashamed to endeavour to cover the defection of his own followers and his own mistakes by making political capital against the small Party who were made the scapegoat of every offence or mistake of the Government. He (Mr. T. P. O'Connor) and several of his hon. Friends from Ireland had said too much in favour of the Bill in Ireland; but, of course, facts were not of the least importance to the Prime Minister when he was in a difficulty, and wanted to cover his retreat and had tactics by an attack on his opponents.

*Mr. Gladstone*

SIR R. ASSHETON CROSS and Mr. JESSE COLLINGS rose together. [*Cries of "Collings!"*]

THE CHAIRMAN called upon Sir R. ASSHETON CROSS.

MR. PARNELL rose to Order, and, observing that he had heard the Chairman first call upon the hon. Member for Ipswich (Mr. Jesse Collings), submitted that that hon. Gentleman was entitled to address the Committee, although an ex-Cabinet Minister sought to do so.

THE CHAIRMAN: I did call upon the hon. Member for Ipswich (Mr. Jesse Collings); but the Committee have the power, and it is constantly exercised, if they desire a particular Member to be called upon who rises at the same time with another Member; and I understood that the hon. Member for Ipswich had given way.

SIR R. ASSHETON CROSS: I shall not stand between the Committee and the hon. Member for Ipswich (Mr. Jesse Collings) more than a few minutes; but in the absence of my right hon. Friend (Sir Stafford Northcote) I cannot sit still, having witnessed what has taken place, without offering my strongest protest against the course pursued by a small fraction of Irish Members. I am one of those, who, as the Committee probably know, are strongly opposed to a great part of this Bill; but having more than once expressed my dissent from that part of the Bill, and the Committee having decided against me, I am bound to yield to their opinion, and not delay the progress of the Bill unnecessarily. Unless Parliamentary government is to be carried on upon that principle there is an end to all Parliament, and I must entirely endorse every word which has fallen from the Prime Minister on the course taken by a small fraction of the Irish Party. I say a small fraction, because I believe it is a small fraction. It would be the greatest possible mistake to say it is the Irish Party or anything like the Irish Party; it is the merest handful of that Party. I entirely endorse what has fallen from the Prime Minister, and this House and this Committee will not allow their own legislative action to be stopped absolutely by a small and insignificant section of Members. If anyone could have proved the justness of what has fallen from the Prime Minister, it was the speech of the hon. Member

who has just sat down (Mr. O'Connor). He has stated that everything they have done for the last two or three days has been done to force the Government to withdraw this clause.

MR. T. P. O'CONNOR rose to Order. He must most distinctly repudiate that insinuation. He never said anything of the kind.

SIR R. ASSHETON CROSS: That is precisely what took place. That is exactly what the hon. Member did, and he has shown to the Committee that the whole reason and object of what we have been passing through so painfully has been to force the Government, if possible, to withdraw this clause. The Government have made great concessions, from some of which I differ; but they have made them to conciliate hon. Members on this side of the House, and if this conduct is to go on, I shall be prepared to hold that it is within the terms of the Standing Orders of the House, and does amount to wilful and persistent Obstruction. It is, in my opinion, an abuse of the Forms of the House, and a persistent abuse of the Forms of the House is, in my view, wilful and persistent Obstruction, for which the individual Member is liable to be censured by the Committee and by the Chair.

MR. JESSE COLLINGS said, that that was the third day the Committee had been discussing that Emigration Clause. It was so important a clause that no one expected it would pass without due discussion and some opposition; but he took it that the opposition had now gone beyond the bounds of fairness, and had involved what the hon. Member for Galway (Mr. T. P. O'Connor) had described as a perilous delay. There were hon. Members on his (Mr. Collings's) side of the House who opposed the clause; but if hon. Gentlemen opposite wished their co-operation in this matter, they must conduct their opposition with dignity and fairness. And, of all things, he would remind the hon. Member for Galway that if he wished the co-operation of hon. Members on that side of the House, he must avoid even the appearance of such unbecoming language as had been addressed to the Prime Minister. It was alleged that the Government wished to depopulate Ireland; but he (Mr. Collings) could hardly conceive that anyone truly believed that to be the case. But what was the effect of this

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Amendment? He could understand these tactics when they were adopted with regard to the Coercion Bills, because the object of such tactics was to destroy that Bill which contained coercion, and the effect of these tactics now would be to destroy this Bill as far as possible which contained remedial measures. He could understand and sympathize with hon. Members when coercion was being put in force with what they thought unnecessary violence; but he could not understand these tactics when applied to a Land Bill such as this—a Land Bill such as did not enter into the wildest imagination of Ireland. It was a Land Bill for which all Ireland was waiting. Ninety-nine tenants out of every 100 were wishing for the day when it should become law, and the Committee had arrived at a critical time when every moment was worth an hour, and when the great danger in its way was delay. If hon. Members were about to strike at the Bill through that clause, it would be better for them to say so. The hon. Member for Galway had spoken of the Bill being dealt with in “another place;” but he (Mr. Collings) had no fear of its being dealt with in “another place” if there were a fair issue; but if it was sent up at a time when those in “another place” could have some reasonable excuse on account of time for not considering it, there would not be a clear issue before the country, and great difficulty would be created. If that were so, it was time that the tenants of Ireland should know who they were who were delaying the Bill. Hon. Members on his (Mr. Collings’s) side of the House had been taunted with silence, and it had been said that they did not speak on the Bill because they did not understand it; but they thought they did understand it, and some of them rejoiced in it, and they believed they had helped the Government to pass it by being silent upon it. This example had not been followed by hon. Members immediately behind the Government Bench, who had, he was afraid, been listened to by the Government for their much speaking. But the Prime Minister, some months ago, gave the assurance that the Bill should not be mutilated, and relying on that he (Mr. Collings), with others, had been silent. He would remind hon. Members that this was not

*Mr. Jesse Collings*

only an Irish question, but an English question, and an English question particularly dear to hon. Members below the Gangway, because England rested under a continual reproach in Europe which they were anxious to remove. They could not praise their system of Government, they could not preach to Russia and speak as they would, until they had removed this peculiar form of government in Ireland—government by means of 50,000 soldiers. Therefore, that was an English question. He had all along voted and spoken in favour of what he believed to be the true interests of Ireland, and he believed he was never speaking or voting more in the interests of Ireland than when he was speaking and voting against this obstruction of the Bill by a few hon. Members. While, as an English Member, he was willing and eager to do justice to Ireland, English Members were not willing to be played with in this fashion. Therefore, he hoped the Government would not give way in this matter; but, if they could manage to send the Prime Minister home, they would leave the Committee to try conclusions with the hon. Members opposite.

MR. O’KELLY said, he had listened with regret to the speech they had just heard. He was not one of those who could be charged with Obstruction, and there were few hon. Members who had spoken so seldom as he had during these discussions; but the Government had selected one of the worst points in the Bill for taking issue with Irish Members. He (Mr. O’Kelly) had explained, the other night, he was not wholly opposed to emigration; but he wanted to know, in regard to the Government proposal, what did they mean by the reception of emigrants? Irish Members did not wish their countrymen taken to the slums of American cities—

THE CHAIRMAN: The hon. Member is at liberty to discuss the Amendment as soon as the Motion for reporting Progress is withdrawn. At present the Question is that I report Progress.

MR. O’KELLY said, Irish Members were charged with obstructing the measure; but he could claim that he had not spoken frequently or obstructed the progress of the Bill. He was one of the Irish Members who, at considerable risk of unpopularity, asked the people of Ireland to give the Bill a fair hear-

ing; he was not afraid to do that in Ireland any more than he was afraid to take the side of Ireland in the House, however small the minority. The charge of Obstruction applied much more fairly to the Whig Members who supported the Government. Irish Members were silent during the early discussions on the Bill, and only now interposed when a point was reached that would be fatal to the interest of the Irish people. They knew very well, whatever the intentions of the Government might be, the people into whose hands the machinery for the working of this clause would fall would use their power to clear the country of every man they could tempt out of the country—

SIR JOHN LUBBOCK rose to Order. Was not the hon. Member (Mr. O'Kelly) disregarding the ruling of the Chair?

THE CHAIRMAN: At the present moment the hon. Member is beginning to discuss the whole clause, which he is not entitled to do on a Motion to report Progress.

MR. O'DONNELL said, he merely rose to protest against the attempt of the Government, and it was an attempt common to the two Front Benches, to throw upon Irish Members the responsibility for the heat that had been introduced into the discussion. It was introduced by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) by his unfounded charge against hon. Members—a charge which he had not withdrawn or apologized for. With regard to the special declaration and doctrine of the right hon. Gentleman who spoke from the Front Opposition Bench (Sir R. Assheton Cross), and who was chiefly known as the author of the great London Water Supply fiasco, if that right hon. Gentleman spoke of the Irish Party as an insignificant fraction, it was known that a number still more insignificant had a leading part in flogging out of power the late Cabinet, and it certainly had not declined in influence since then. The hon. Member for Ipswich (Mr. Jesse Collings) felt it incumbent upon him to express an opinion that Irish Members were pushing opposition to the Depopulation Clause with unfairness; but, with all respect to that hon. Member, it lay with the Irish Representatives to judge of the degree of opposition that should be offered to measures that they considered in the highest

degree detrimental to the Irish people. The position of the Government was this—that, while affecting to believe that the Irish Representatives were delaying the consideration of the Land Bill, in reality the Government chose to put their foot down in advance upon a most objectionable part of the Bill, and were themselves the obstructive obstacle and the sole cause of delay. Irish Members ought to be listened to on this question of emigration. This was said by the Government to be intended for certain counties in Ireland; and was it not a fact that the Representatives of those very counties led the van in this opposition? It was from Mayo, Galway, Kerry, and Clare that the opposition mainly came. He was sorry to understand that it was the intention of the Government to force the discussion at a time when it was impossible that the Amendment could be discussed with fairness and fullness; he was sorry because the discussion of that important clause would therefore have to be resumed on Report. Unquestionably, there was a necessary Obstruction; for if hon. Members were to be controlled by the mere mechanical force of a majority, they must seek other Constitutional opportunities of making themselves heard. The clause might be passed in spite of the Irish Members; but if carried against them merely by brute force the clause would not redound to the influence or credit of Her Majesty's Government. He could assure the Government and the Conservative Party, whose splendid views of reform required the continued removal of larger and larger bodies of the able-bodied population of Ireland, that the Irish Members did not shrink one inch from their opposition; that not alone the Irish Members, but the Irish nation in Ireland, the Irish race in America and all over the world had put their foot down; and he could assure hon. Members that, so far as his knowledge of facts went, he expected that 12 months would not pass before both English Parties would be whining for the conciliation of Ireland.

MR. DAWSON said, what did the Prime Minister mean by referring the Committee to the concessions he had made? At whose bidding did he make them? And what concessions had he made to Irish Members? He wished

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to draw the attention of the Committee to this fact. During the first stages of the Bill—the Landlord and Tenant Clauses—he (Mr. Dawson) did not speak; but he came over especially to do what he was doing now—to direct attention to what he believed was a fatal blot in an otherwise great measure, a blot that neutralized the good in the eyes of the people. Reference had been made to the Irish Party and their action, and when the clause came to be voted upon he should look with much interest to the final issue and the action of Irish Members who now were absent; whether they would vote for the emigration of the people from the already depopulated country at the discretion of the Government—

THE CHAIRMAN: The hon. Member is now discussing the clause.

MR. DAWSON said, he was referring to the accusations of the Prime Minister against the Irish Party. He would now only say that he should watch with some anxiety the votes that Irish Members would give.

MR. HEALY said, he was delighted with that episode; it seemed so much like old times, and it would really do hon. Members good to sit up all night. It would further be remembered as a brilliant passage in their Parliamentary career. The Government had complained that Irish Members were delaying the Bill. Well, of course, every word uttered did delay the Bill; but it was an extraordinary thing that only now was such a complaint raised, and not a word was said when the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) and the Front Opposition Bench were discussing the 1st clause. No; that was legitimate Whig and Tory opposition, and the Prime Minister justified opposition which took three days to settle a line. The right hon. Gentleman said it was a large question to be decided, so the Committee was kept three days on one line; it was a tremendous achievement; but now that the Irish Members were on the second day of a clause affecting their own kith and kin, they were told they were committing a heinous offence. If he had to go back by way of illustration, he would remind the Committee that if the first Business to occupy the House had been the Land Bill, they would not be now squabbling over it on the 15th July. The Coercion

Bill occupied two months; but between the 7th of March and the 7th of April there was a month of delay; why could not the Land Bill have been taken up then? Had that been done, this question would not now be fought out on July 15. It was an extraordinary argument—

THE CHAIRMAN: The hon. Member seems to me to be speaking merely against time.

MR. HEALY said, he begged very seriously to correct that impression. [*Cries of "Name, name!"*] He would stand up there so long as he had his rights as an Irish Representative, and, though it were against 10,000 tongues, he would say what it came into his heart to say. He was not wasting time more than any other hon. Member speaking from one Front Bench or the other. He did not blame the Chairman for calling him to Order, as he could not help being swayed more or less by the feelings and passions that influenced the House—

THE CHAIRMAN: I am swayed by no other feeling than a desire to keep Order in the Committee, and to preserve its dignity. The hon. Member, in his remarks, seems to me to be simply wasting the time of the Committee, and if he continues in the same way I must take other measures.

MR. HEALY said, he was sorry his remark had been misunderstood as an imputation on the Chair. It was not so intended; he was mentally excusing the Chairman to himself, and perhaps he ought not to have said it; but it did not much matter. If the Prime Minister was speaking, Order was secured for him; but he (Mr. Healy) was as much entitled to Order, for he spoke as a Representative of the people quite as much as the Prime Minister or any other hon. Member, and he would say what he got up to say. The Prime Minister endeavoured to throw on Irish Members the delay of the Bill; it suited his purpose to do so; and the right hon. Gentleman the Member for South-West Lancashire (Sir. R. Assheton Cross) tried to do the same thing; it suited the Tory Party to do so. The Whigs on one side were justified by the Prime Minister, and the Tories were justified by their champion. It was fortunate, however, for Irish Members that the public opinion with which they had to deal was not that of the House of Commons or of England; they had their

*Mr. Dawson*

public opinion at home, their own home and their own country, and however much they might be abused in that House, however much themselves and their countrymen might be maligned, they would continue to fight out this clause to the bitter end.

MR. MAC IVER said, the Motion to report Progress was a perfectly reasonable one. They had arrived at a time of night when no real good could come out of discussion, and a further reason offered itself in the fact that the Government had materially altered the clause. Of course, he did not mean to discuss that now; but he was sure that there were not a dozen Members on either side who apprehended the alteration fully. Let the Committee go home and reconsider the position. Whatever his (Mr. Mac Iver's) sympathies with hon. Members from Ireland might be, he had no sympathy with any personal attacks that had been made upon the Chief Secretary for Ireland. He knew too much about him for that, and what a high-minded, right-thinking man he was. There was no more patriotic statesman in the House.

MR. LEAMY said, the Committee would see that the clause was materially altered by the Amendment to provide for the "shipment, transport, and reception" of emigrants in New York; but all he wanted now to know was what was understood by "reception?" The Government intimated that the emigrants should not only be provided for up to the moment of landing, but that they should be placed in a fair way of getting their living, and that the agricultural class especially should have holdings provided for them. He understood that was the intention of the Government; and, therefore, when the Chief Secretary for Ireland moved these words in regard to the reception of emigrants, it was natural to ask what meaning was attached to "reception." The right hon. Gentleman, instead of explaining, merely moved the Amendment, and simply for that reason the Motion to report Progress was made. As to the charge of delaying the Bill, he would say for himself that he came into the Committee with no intention but, so far as he could, to endeavour to extend the Bill in the direction the people would like to see it extended; but for at least eight or nine clauses he scarcely spoke at all, and he

believed the people of Ireland were satisfied that the Emigration Clause would be dropped. But the moment it was forced on—he did not conceal his intention to fight out the clause, line by line, nor did he conceal from himself the fact that this would delay the Bill; but he did not hesitate to say that if, by fighting out the Emigration Clause, which he believed a fatal blot on the Bill, if the effect of this opposition were to defeat the Bill altogether, he would not be afraid to go back and face his countrymen and say—"Yes, it cost you this great measure; but, so long as I have a right to speak, I will never consent to a measure which really means the expatriation of those people for whose benefit we want the Bill." That was the simple fact, and, whatever object the Government might impute to him, he was actuated by the desire to defeat the clause.

MR. MITCHELL HENRY said, he felt strongly that the clause might be made of the greatest benefit to the people of the West of Ireland, and, therefore, he supported it with as honest and as earnest a wish for the welfare of the people as any who opposed it. Under the circumstances, he would really suggest that the discussion might now come to an end, that the Motion might be withdrawn, and that the Committee should go on and endeavour to dispose of the clause, for everybody must admit that for the good in the Bill, it was well to pass it as soon as possible, and if there was anything objectionable let it be amended afterwards.

MR. PARNELL said, he had quite looked forward to finishing the Amendments that night, when the Motion was made which gave the Prime Minister the opportunity of taking the responsibility for the delay of the Bill off his own side, which gave the Conservatives the opportunity of disowning responsibility on their side, and which placed the House of Lords in the delightful position of being able to throw out the Bill, and say it was not the fault of the Conservative Party, though that Party unaided, except by a section of Whig Members, had held the Bill through all those weeks. But he had expected to get through these Amendments that night, and that they might be enabled to state their objections to the clause at the Morning Sitting to-morrow, and he

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would suggest that that course should still be followed, that they should go through the Amendments as was originally intended, until the end of the clause was reached, and then, on the final question, the Motion to report Progress might be renewed in order that they might have the opportunity of stating their final objections to the clause to-morrow. The Amendments upon the clause were few and unimportant, and he did not think that there was any principle to be served by dilatory Motions, and these Amendments might be discussed and disposed of in a short time. The hon. Member who had moved to report Progress had done so against his (Mr. Parnell's) wishes; and, having made his protest, for which there was certainly ample justification, he would advise his hon. Friend to withdraw it.

Question put, and *negatived*.

Amendment again proposed,

In page 18, line 24, insert "and for securing the satisfactory shipment, transport, and reception of the emigrants."—(*Mr. William Edward Forster.*)

Question proposed, "That those words be there inserted."

MR. HEALY asked what was the object of the Amendment?

MR. W. E. FORSTER said, the object of the Amendment was to secure that the emigrants were properly provided for, and that the arrangements made for them, both with regard to their shipment, transport, and reception, when they landed at their destination, were satisfactory. He did not believe that it would be possible or proper to interfere in greater detail in giving instructions to the Commission; but it would be necessary for the Commissioners themselves, of course, to consider all the details.

MR. O'SULLIVAN remarked, that the Poor Law Guardians, when they sent out emigrants, provided them with money.

MR. LEAMY thought the Government ought to make provision for finding employment for these people when they arrived at their destination. They might easily imagine the position of a man from the wilds of Connemara landed in New York, who had never seen a big city before.

MR. O'DONNELL presumed that the emigrants would be properly lodged and

taken care of during the interval before they were sent out to their destination? He presumed that was the intention of the Government?

MR. W. E. FORSTER: I did not say that. I said that transport meant taking care of them to the place they were to be sent to.

MR. T. D. SULLIVAN asked if there was anything in the world to compel the Commission to take that view of the clause? The words were vague and dubious in their meaning, and he thought they should be made clear in the clause itself.

MR. JUSTIN M'CARTHY said, the position of the Government really appeared to be this—that they were undertaking the duties of emigration agents. They first proposed to stimulate emigration; now they had to go a step further and become emigration agents. He did not quite understand the business they were about to embark in, and he was not surprised that the right hon. Gentleman the Chief Secretary for Ireland appeared to be in ignorance as to the arrangements that were to be made on entering into this new trade. It was desirable, however, that the Committee should know how the Government were going to carry out this trade. Did the clause mean that the emigrants were to be received at the nearest seaport they went to, or at their ultimate destination? Were the Government going to follow them up all the way to Minnesota, or to Manitoba, or even to Brazil? Were they intending to follow them some thousand miles away from the port of landing; and if they were going to do so, had they any idea of the vast and complicated business they were taking upon their own shoulders and the enormous amount of failure they must meet with? The business was far too vast, too complicated, and too new for the Government to undertake.

MR. A. M. SULLIVAN deplored all the time that had been occupied in seeking an explanation of the Amendment. It seemed, on the face of it, a perfectly plain and useful Amendment. As he understood it, it was to secure the satisfactory shipment, transport, and reception of the emigrants. The Government were determined to save the horrors of the middle passage to these poor emigrants; but the question was, not what the Government meant by the phrase,

*Mr. Parnell*

but how it would be considered and dealt with by the Commission. He would suggest that they should add after the word "reception" the words "to the place of destination of the emigrants." He understood from the Government that that was their intention.

MR. O'DONNELL asked what would be done provided the Government took a body of emigrants to a place which turned out to be unsuitable for them? Was the whole responsibility to be shifted from the shoulders of the Government and placed upon the emigrants, who would have to make arrangements for themselves. He reminded the Committee that there had been Welsh Colonies, Scotch Colonies, and various other Colonies especially, under what appeared to be the most promising auspices. The Moravian Communists of Russia had been successful agriculturists. Many of them, rather than endure the Russian military law, emigrated in large numbers to the Brazils and other Colonies, and when they got into the Brazils those who took them were no further responsible. If it were now proposed to take the emigrants to a place which the Government thought suitable, but which afterwards turned out to be entirely unsuitable, were these poor people, who might be 3,000 miles away from all their friends, to be left to shift for themselves? There ought to be some precautions against a failure of that description.

Question put, and *agreed to*; words *inserted* accordingly.

MR. PARNELL moved to add at the end of the Amendment, after the word "emigrants," the words "also for their maintenance for one year after their landing, in case it should be necessary."

Amendment proposed,

At the end of the foregoing Amendment, to insert the words "also for their maintenance for one year after their landing, in case it should be necessary."—(Mr. Parnell.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, the Government could not add those words to the Amendment. If they did so they would be entering into details which were undesirable.

MR. HEALY said, the right hon. Gentleman regarded this as only a detail. It was, however, a most important

detail whether a man should starve, or whether he should not. Did the right hon. Gentleman object to the term "one year," and would he prefer the words "for a reasonable period?"

MR. W. E. FORSTER: My objection is that it is impossible for the Committee to frame instructions that will take off from the Commission its responsibility to see that these emigrants are properly provided for. Not that this would not be an important matter for the Commission to look into; but to attempt to put it into the Bill is to require us to do work which we ought not to undertake.

MR. DAWSON said, the only fear that the Irish Members had was that many of the emigrants would be worse off when they reached their destination than they were now.

MR. PARNELL said, he did not see any force in the objection of the Chief Secretary for Ireland. It was not more a detail to provide that these men should be supported when they reached their destination than it was a detail to provide for their satisfactory shipment, transport, and reception. All of these were details, and if it were not unreasonable and not impossible to put such details in the clause, surely it was not unreasonable and not impossible to require that the emigrants should be kept from starvation for a reasonable period after they landed. He should certainly take a division on the Amendment.

MR. O'DONNELL said, this emigration proposal would come under a very different recommendation to the Irish people if they were told that they were to be supported for a reasonable time, if it was necessary, than if they were told that that proposal had been deliberately rejected by Her Majesty's Government. If it were a mere detail it could do no harm to put it into the Bill. Certainly, as it had been pointed out by the hon. Member for the City of Cork (Mr. Parnell), it was no less a detail than that the Government should provide for the shipment, transport, and reception of the emigrants. If there was to be a choice of details, the right hon. Gentleman might certainly leave out the word "shipment," because he might take it that the Commission, in proposing to remove emigrants from Connemara to Manitoba, would certainly provide the means for taking them over the water.

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Question put.

The Committee *divided*:—Ayes 17; Noes 159: Majority 142.—(Div. List, No. 308.)

MR. LEAMY moved, in page 18, line 26, after "approve," to insert—

"And a copy of every such agreement shall be laid before both Houses of Parliament within one month after the making of the same, if Parliament be then sitting, and, if not, then within one month after the next meeting of Parliament."

He said, he did not know whether the Government would accept the Amendment; but he thought the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland would see that there was some reason in it. It was only reasonable that Parliament and the Treasury, in lending money to the Land Commission, should have the means of deciding whether the regulations made by the Commissioners were reasonable or not, because it would otherwise be very difficult to bring any charge against the Commission. They had been told that they ought to make the Treasury responsible for such transactions; and that being so, he thought he was not unreasonable in asking that his Amendment should be accepted by the Government.

MR. W. E. FORSTER hoped the hon. Member would not press the Amendment, as there was another proposal later on that would probably sufficiently accomplish the object it desired to obtain.

MR. LEAMY said, he was willing to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

THE CHAIRMAN said, the next Amendment was that of the hon. Member for Westmeath (Mr. T. D. Sullivan), and it could not be put, because it referred to the question of emigration to British Colonies, which had been already struck out of the Bill.

MR. T. P. O'CONNOR asked if it would be in Order to substitute another Amendment? The Governments alluded to in the Amendment of the hon. Member for Westmeath had been already excluded from the Bill by a previous Amendment; but he (Mr. T. P. O'Connor) wished to know whether it would not be in Order for him or his hon. Friend (Mr. T. D. Sullivan) to move an

*Mr. O'Donnell*

Amendment compelling the public bodies or Companies which were now the only bodies authorized by the Bill to receive the advances, to undertake to pay for the return to Ireland of the emigrants who found themselves unable to live in reasonable comfort and prosperity?

THE CHAIRMAN: The hon. Gentleman cannot move it.

MR. T. D. SULLIVAN said, after what had fallen from the Chairman, he would not move his Amendment.

THE CHAIRMAN: I have already told the hon. Gentleman he cannot move it.

MR. T. D. SULLIVAN said, he was not going to move it.

THE CHAIRMAN: Then there is no Question before the Committee.

MR. W. E. FORSTER: It now becomes my duty to state what it is that Her Majesty's Government think ought to be the limitation to the total amount to be advanced for emigration purposes, and also to the amount of the annual expenditure. For this purpose I have to propose the insertion of words providing that there shall not be expended by virtue of the authority hereby given a greater sum than £200,000 in all, nor a greater sum than one-third part thereof in any single year.

Amendment proposed,

In page 18, line 29, at end of Clause, to add the following words:—"Provided always that there shall not be expended by virtue of the authority hereby given a greater sum than two hundred thousand pounds in all, nor a greater sum than one third part thereof in any single year."—(Mr. William Edward Forster.)

Question proposed, "That those words be there added."

MR. PARNELL said, he certainly must object to this proposal. He thought that £200,000 was not a very enormous sum to spend in emigration; but he would rather have seen the sum to be advanced for that purpose limited to £100,000. He believed that an expenditure of £100,000 would be amply sufficient to enable the Commissioners to provide for any shortcomings in the facilities he hoped this Bill would be found to offer to his countrymen before it left that House, for the purpose of enabling the reclaimable and improvable lands in Ireland to be occupied as they ought to be. He would, therefore, ask Her Majesty's Government whether, taking all

the other things into consideration, they did not think £100,000 would be quite sufficient in view of the fact that they might probably have a series of good harvests for the next few years to come, to provide against any evil results from the congested state of the population that had been so much talked about, and the possible failure of the crops?

MR. W. E. FORSTER: I think if the hon. Gentleman the Member for the City of Cork (Mr. Parnell) had ever sat on a Board having to administer public funds, he would know how very difficult it is for a Minister, who represents a Public Department, to get leave from the Treasury for the expenditure of any advance of public money. I do not think he need fear that this money will be expended, unless there are good grounds for it. But the hon. Gentleman has alluded to a sum of £100,000; and I must remind him that, as far as the proposal for expenditure in any single year is concerned, this proposition is decidedly less than that, as the maximum amount to be advanced is £200,000, while only one-third of that can be advanced in one year.

MR. T. P. O'CONNOR said, he calculated that each emigrant would cost about £10; and, at this estimate, £200,000 would suffice for 20,000 emigrants. He understood there was to be no limitation as to the localities; at any rate, there was none in the Bill at present. The right hon. Gentleman had, over and over again, declared that he wished the emigration to come from particular localities—that was to say, from those districts where the population was congested. That being so, he thought the right hon. Gentleman might endeavour to meet the Irish Members on that point.

MR. O'DONNELL said, he sincerely hoped there would be no limitation as to the districts.

MR. TOTTENHAM said, he was sorry the amount to be advanced for emigration was to be limited to the paltry sum of £200,000, which he regarded as totally inadequate to meet the needs of the country. For the last 30 years there had been an average of 87,000 persons emigrating from Ireland; and, putting those at the mere cost of their passage money alone, the expenditure from private sources had been £870,000 a-year. What, then, was the use of a paltry sum

of £200,000, which it was proposed to spread over a period of three years? He should certainly not support a proposal which he regarded as a deception of Parliament.

MR. W. E. FORSTER: With regard to what has fallen from the hon. Gentleman (Mr. Tottenham), I should point out that we are now about to try a tentative and experimental proposal, and I think it may be fairly limited as we suggest. If the experiment turns out to be a real success, I suppose that even hon. Members below the Gangway on the opposite side of the House will be inclined to say there need be no difficulty in extending the provision. The sum of £200,000 will afford an expenditure of £60,000 odd per year for a period of three years; and that is as much as, under all the circumstances, in the opinion of Her Majesty's Government, ought to be advanced.

Question put, and *agreed to*; words added accordingly.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. PARNELL said, he trusted the Government would now agree to report Progress, so as to enable the Irish Members to state their objections to the clause, as it stood in its amended shape, on the morrow.

MR. W. E. FORSTER: I must remind the hon. Member (Mr. Parnell) that during the past three days there has been argument after argument on this clause, and that if there has been any refraining from the use of argument, it has not been on the part of those who argue against the clause, but of those who would have urged arguments in its favour. If we had plenty of time at our disposal, if we had not to send this important measure to "another place" as soon as possible, and if we did not know that it is necessary for the sake of Ireland that it should become law as soon as possible, we might agree to the suggestion just made; but it is of the most serious moment that we should be able to proceed with the other clauses of the Bill to-morrow; and, therefore, although the hour is late, I must really implore the Committee to allow us to finish this clause to-night. We cannot prevent the matter being

again discussed on the Report, if that is thought desirable; but, under all the circumstances, considering the actual necessity of proceeding with the measure, I am sorry I cannot accede to the request of the hon. Gentleman.

MR. PARNELL said, it had been repeatedly stated that the majority of the Irish Members were in favour of this clause; and he did not think it would be fair, after that statement, so often reiterated, particularly at a time when many hon. Members who would vote against the clause were not present, to press the clause to a division, independently of the fact that the Irish Members had had no opportunity of stating their objections to the principle of the clause. Did the Committee wish it to be understood that it did not wish to hear anything against the clause; that it was so well satisfied with the clause as it stood, that it did not wish to hear any arguments that hon. Members might have to urge against it. That was a position which he should not have supposed any deliberative Assembly could possibly have contemplated. Many hon. Members had had very little opportunity of expressing their opinions in reference to the clause. Undoubtedly, his opportunity had been very small. He had been interrupted by the Chairman, and very properly interrupted, when he was stating his objections to the clause the other day, and he was then obliged to be content to reserve his remarks until the proper occasion. It would be very hard, however, to expect that he should make his remarks at that hour, and that a great many of his hon. Friends who desired to be heard on the subject should do the same. There was no doubt that the Prime Minister was labouring under some irritation when he made the declaration he had uttered before he had retired from the House, and he (Mr. Parnell) would not say it was at all unnatural that the right hon. Gentleman should have been irritated to a certain extent; but the Motion which had then been made to report Progress had arisen out of a misconception. He (Mr. Parnell) submitted, however, that it was quite right that Progress should now be reported. The loss of a day or two, more or less, could not be of so very much importance to the prospects of the Bill; but, of course, if the Irish Members could not get the opportunity now, they

would have to take it on the Report. They desired, however, to get rid of the subject once for all, and what object there was to be gained with regard to speed by resisting the Motion for reporting Progress now he failed to understand. Why, he asked, should they get into a wrangle that could really serve no purpose? He did not know that there was any point of honour involved in this matter; if he could see otherwise, he should be the last person to ask the Government to retire from their position; but it was clear that nothing of the sort was involved on the present occasion. In his opinion, the Ministry ought to concede to the Irish Members the right which legitimately belonged to them, and it should be remembered that the right hon. Gentleman the Prime Minister had said he was disposed to seriously regard the opinions of the Irish Members. The only way in which they could express those opinions was, in the first place, by arguments on the clause; and, in the next, by taking a division on the question, and he did not think Her Majesty's Government were reasonable in resisting the suggestion that the Chairman should report Progress.

MR. O'DONNELL said, with regard to what had been urged about the waste of time that was alleged to have taken place, he could not but regret that Her Majesty's Government had not three days previously intimated to the Committee what was to be the limitation of the total advance for emigration purposes which they intended to propose. If this course had been then taken, a good deal of what had since happened would have been avoided, and a very considerable saving of time would have been assured. The fact was that the Emigration Clause at the present moment was one thing, and the Emigration Clause of only an hour before was another and a very different thing.

MR. T. C. THOMPSON expressed a hope that the Government would allow the Chairman to report Progress. What, he asked, had been the lines on which the clause had been hitherto discussed? It had simply been, how could the clause be best amended in order that it might be passed? They had now disposed of the Amendments to the clause, and had come to the question whether the clause should pass at all, which stood on a totally different line from that on which

*Mr. W. E. Forster*

the Amendments had been considered. The clause was one of considerable importance, and he thought it was one that would be peculiarly injurious to the Irish people, inasmuch as it would give the landlords another opportunity of oppressing the tenantry. There were many hon. Members opposite whose opinions were entitled to be considered by the Committee, who ought to hear what they had to say; and those hon. Gentlemen appeared to think that this Emigration Clause would be more injurious to the Irish people than any other clause in the Bill. Therefore, he (Mr. Thompson) thought it very unfair to ask the Committee, at 20 minutes past 2 o'clock in the morning, to enter into a debate on the principle of the clause. There had, undoubtedly, been a considerable waste of time during the evening, and in referring to that waste of time he was not about to pass a censure on the Committee; but he might say that a considerable portion of the waste of time had not arisen out of anything attributable to the Irish Members, but in consequence of the necessity of the right hon. Gentleman the Prime Minister taking refreshment, which, of course, everyone would consider his due. The Committee had been obliged to waste a good deal of time over one proposal, which had, unfortunately, produced a good deal of irritation, and what possibly might be called an exhibition of great eloquence and argument, characterized by the *sesquipedalia verba* of the Prime Minister, and by much "sound and fury, signifying nothing." He thought that a good portion of the time had been taken up by causes over which, perhaps, neither Party had any possible control, and he hoped the Government would afford to those moderate Members who had considered the question, and who wished to discuss it not only as regarded the Irish people, but also from the point of view of the English nation, a full opportunity, without casting in their teeth the reproach that they wished to prolong the debate. It was unfair to those hon. Members to persist in going on at that hour in the morning and; he trusted that the Government, though they might be desirous of saving a little time, would think it right to give way on this occasion, and let it be considered that they had made a concession in the interests of one of the most important parts of Her Majesty's Dominions.

SIR WILLIAM HARCOURT: I doubt whether the majority of this Committee will go with the hon. Gentleman the Member for Durham (Mr. T. C. Thompson), first of all, in his denunciation of the Prime Minister for going to dinner, and, secondly, for his *sesquipedalia verba*—

MR. T. C. THOMPSON: I am sure, Sir—

SIR WILLIAM HARCOURT: I say, first of all, in his denunciation of the right hon. Gentleman for going to dinner, and then appealing to this Committee, with that command of language which the hon. Member possesses—

MR. T. C. THOMPSON: I am sure I never indulged in any such denunciation—

SIR WILLIAM HARCOURT: I will not yield to the hon. Member—

MR. T. P. O'CONNOR rose to a point of Order. He wished to know whether it was the Chairman's function, or that of the right hon. Gentleman (Sir William Harcourt), to declare to another hon. Member whether he had a right to rise on a point of Order?

SIR WILLIAM HARCOURT: If the hon. Member for the Borough of Galway (Mr. T. P. O'Connor) knew the Rules of this House, he would be aware that an hon. Member is not bound to yield to another hon. Member unless he chooses to do so; that is a Rule of debate, and I say that the majority of the Committee will not agree with the hon. Member for the City of Durham in his denunciation of the *sesquipedalia verba* of the Prime Minister. I venture to say that the appeal made by the right hon. Gentleman the Prime Minister to this Committee with a view of getting the Business of the country done is one which will commend itself to the majority of this House, and I will also say that the unbecoming language the hon. Gentleman has used towards the Prime Minister to-night will be condemned throughout this country to-morrow. With reference to what hon. Members opposite say, I can only state that if they desired to have a full debate on the clause at a more convenient time, they might have had it any time these last three days, because it is the course they have taken in moving to report Progress over and over again upon the clause that has brought us and them into the situation of which they complain. The right hon. Gentleman the Prime Minister has ap-



pealed to the House of Commons to-night to show that it intends to go on with the Bill, and to finish the particular Business before us with regard to this clause of the measure for the reform of the Land Laws of Ireland by passing that clause this night; and I feel confident that the great majority of this Committee will support the Prime Minister in the declaration he has made. The hon. Gentleman the Member for the City of Cork (Mr. Parnell) says he wants to show where the majority of the Irish Members are on this question. I assume that if he had a majority of the Irish Members with him on this subject they would have been here to-night. There was a statement made by the hon. Member for Dungarvan (Mr. O'Donnell) in the course of this debate that struck me very much. He said—"Who are our leaders on this question of emigration? What are the counties to which the clause is to be applied?" and he named the counties of Mayo, Galway, and Kerry. I have looked back on the divisions that have taken place to-night and during the last three days, and I find conspicuously absent the hon. Members for the counties of Galway, Mayo, and Kerry from the ranks of those who claim them as their leaders. Therefore, I meet the hon. Member who made that statement by a direct contradiction. The town of Galway, which I observe does not claim a very large number of voters, is not entitled to be heard on the subject of the emigration of the tenants of the county of Galway. Where, I ask, are the Members for Galway, and Mayo, and Kerry? Are they the followers of the hon. Member for the City of Cork? Not a bit of it. I do not think that one of them has been in any one of the divisions to-night; and, therefore, I think we are entitled now to ask the Committee to come to a decision on this question. We know and can measure exactly the character of the opposition that has been offered to this clause, and that if it should be allowed to go over to another day, we shall have the same story and the same excitement it may be for three days more of no progress. ["No, no!"] It is all very well for hon. Members to say "No, no!" but we have had experience to go upon, and this Committee has now, I firmly believe, on the invitation of the Prime Minister, made up its mind as to the

course it will take, and I hope it will continue sitting until it has come to a final decision on the clause.

MR. JUSTIN M'CARTHY said, he did not think the debate would gain much by what had just been said; and if he were appealed to on the question of the individual to whose eloquence the phrase *sesquipedalia verba* was most applicable, he should say it was not the Prime Minister, but his right hon. Colleague who had just spoken. He thought they might now discuss this question in a calmer spirit than had hitherto prevailed. The right hon. Gentleman the Secretary of State for the Home Department had endeavoured to repeat the effect that had been produced on the House by one who was a greater master than himself. The grand dramatic scene of that evening had been conjured up by an artist who was capable of producing a sensation that could not be achieved by one who tried it at second hand. The question was whether this clause was to be discussed or not. Amendments upon it had been discussed; but hon. Members had not been allowed to touch on the merits of the clause at all. If a division were taken, many hon. Members who had taken no part in the discussion would be found voting against the clause; but it was impossible to take a division at that time, when many hon. Members had gone home—under the impression that the clause, as a whole, and the division would be taken to-morrow. If the Government brought their majority to bear, it would be idle for the Irish Members to oppose them; but the opinion of the Irish Members could not be expressed in debate if the clause were now forced on the Committee.

MR. MITCHELL HENRY said, he very much regretted what had taken place during the last few days, and wished to make a suggestion to the Irish Members and to the Committee generally. If, before this clause was taken, the Government had proposed to spend during the next 12 months a certain amount of money for emigration, that would have been received with approval, for there was no Irish Member who did not know that, in the present condition of Ireland, such an expenditure would be a blessing to the country. He believed a great deal of the discussion had proceeded from the idea that a great

*Sir William Harcourt*

scheme was brewing for the deportation of the Irish people; but under the circumstances, and after the discussion that had taken place, he thought the sensible and practical plan would be to go on with the discussion of the Bill upon the other clauses; and then to take the division and say whatever else might be necessary on the Report.

MR. SHAW said, he would suggest that hon. Members should let the clause pass without a division, for he thought a division would be misleading. They should consider whether they could afford to spend another day on this clause, in view of the condition of Ireland. They had still to consider the constitution of the Court, the questions of leases, labourers, and arrears, all of which required a good deal of consideration; and now, on the 14th of July, could they spend another day on this clause? On Report, they could very easily discuss this question, if they got through the other clauses of the Bill in time; but if not, he ventured to say this clause was the least pressing and the least important clause upon which to imperil the Bill.

MAJOR NOLAN said, he should vote for Progress, because he thought this was a very big subject, which ought to be discussed during the day. He had refrained on several occasions from voting for similar Motions, because he did not wish to delay the Bill; but with regard to emigration, the Committee must have regard to the sentiment and feeling of the people. With them sentiment was very strong, and he did not think it would do any good to Irish Members or to the Government to facilitate, in any way, a decrease in the population.

MR. A. M. SULLIVAN said, that so far the Irish Members had not been able to discuss the real policy of the clause, owing to the ruling of the Chair; but now he wished to ask the Government whether they intended to call upon him and other hon. Members to discuss the clause at 3 o'clock in the morning? The right hon. Gentleman the Secretary of State for the Home Department had told them they might have done that hours ago; but what answer was that to him? He had moved no Amendment and had taken part in no dilatory Motions that evening; but why was that to force him to enter at that hour upon the discussion of a matter of such importance to him

and more serious to his constituents? Here was a clause which could stand upon its own bottom, and which did not in any way affect the welfare of the Bill. It was outside the legitimate scope of the Bill; but although it might form an excellent additional or supplementary Bill, which the Government would do well to introduce if they had time, the failure or success of this clause had nothing to do with land tenure in Ireland. Here was a great measure for settling land tenure in Ireland, and yet the Government were going to imperil it for the sake of this Emigration Clause. Was there ever anything so preposterous? Was this clause necessary to the settlement of land tenure in Ireland? Certainly not. Emigration might or might not be a useful thing; but the Committee were put in a position in which a proposal, most odious to the Irish people, was being forced upon them at that hour without any opportunity of debating it. The right hon. Gentleman (Mr. John Bright) had said the Irish Members dared not vote against the clause; but what was the fact? Not only had the Irish Members led the way in protesting against it, but not a public body in Ireland representing anything like public opinion, whether a Home Rule or a non-Home Rule body, nor a single public man in Ireland had spoken in favour of the proposal. On the contrary, they had raised their voices against it; and yet, in the face of that, the Chancellor of the Duchy of Lancaster said the Irish Members dared not vote against it! He (Mr. A. M. Sullivan), friend as he was of the Bill, dared do anything against the clause that a Member of the House might legitimately and reasonably do. But the Government had friends. Ought they not to have been taught a lesson by the joyous enthusiasm with which the late Secretary of State for the Home Department (Sir R. Assheton Cross) rose to pat them on the back and cheer them on? When they were unanimous, it was wonderful how unanimous those two Front Benches could be. He (Mr. A. M. Sullivan) recognized the good and kindly intentions of the Government in the Bill, and if any harm came to the country through this clause, as he thought would be the case, it would not be through any intention on the part of the Premier; but the Government ought to look well to

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see who befriended and who protested against the Bill. Who befriended it? The men who thought Ireland wanted another 2,000,000 of her people swept away? He did not wish to say of any man in that House that he was wanting in kindly feeling; but some hon. Members were wedded to the dreadful thought that the famine in Ireland was a God-send to the country. In the debates on the Encumbered Estates Bill would be found the utterances of public men who described the destruction of 2,000,000 of people by plague and hunger and pestilence as a Heaven-sent blessing, which gave such a noble opportunity for re-populating Ireland with the Anglo-Saxon race. Those were the memories that were going through Ireland now. They did not stop at the good records of this Government since it came into Office; the people looked at the Bill as a whole, and they observed that the Government had steadily refused to permit the sub-division of the 1,000-acre farms, and had resisted every effort of the Irish Members to open up the vast areas of fertile land. With these things in their hearts, the people of Ireland were not to be blamed if they were apprehensive of the possible working of a gigantic scheme of State-aided emigration. He admitted that that arose more from their bitter memories of the past than from anything they could lay to the charge of the man who would probably for some years have the direction of the scheme; but he asked the Government, in view of all this, whether they would now take the responsibility of forcing on a discussion and a division upon this clause at such an hour in the morning? If his hon. Friends would take his advice, they would take a division on Progress; and he would appeal to the right hon. Baronet (Sir Stafford Northcote) to bear him out, that when, on an almost similar occasion, he had said—"I trust to the honour of the Irish Representatives," their pledge was honourably fulfilled on the morrow. He would ask his hon. Friends to give a pledge that to-morrow no dilatory tactics would be undertaken, adopted, pursued, or encouraged, if the Government would allow them, at 2 o'clock, to begin the discussion upon this clause. He was nobody's ambassador in this matter; but he believed he had a little of the confidence

of his hon. Friends, and that if he gave that undertaking for them they would do their best to discuss the clause to-morrow in a *bona fide* spirit.

SIR STAFFORD NORTHCOTE said, he hoped after the eloquent speech they had just had from the hon. and learned Gentleman (Mr. A. M. Sullivan) he might be allowed to offer a little piece of advice, which he gave with perfect sincerity. He quite understood the position of those who wished to discuss the clause as a whole; but the Committee had been occupied for three days in the discussion of the clause, not as a whole, but upon Amendments, varied with a considerable number of Motions for reporting Progress, during which the discussion of the clause was more or less possible. Undoubtedly, this had not been a mere barren discussion; because, in the course of it, the clause had been most materially modified, and the last Amendment was really of such magnitude as to reduce the clause to very moderate dimensions indeed. When the hon. and learned Gentleman spoke of a gigantic scheme of emigration, he went rather beyond the description most people would give of the clause. As it stood, it was more fairly described by the Minister who spoke of it as a mere tentative proposal, made for the purpose of endeavouring, by a proper system of management of emigration, to deprive it of those dangerous consequences to which the hon. and learned Member so eloquently referred. An attempt had been made to provide for a certain number of poor people, and to provide not only for their transport across the ocean, but also for their reception and proper location in the country to which they went. That being so, the whole subject, no doubt, might be discussed more fully than it had been, and he did not much wonder that there should be a desire still further to discuss it; but it must be borne in mind that the main reason why it could not be done now was that a great deal of time had been taken up in the preliminary discussion of various Amendments. If the discussion had been confined carefully to the subjects of those, the Committee, probably before this time, would have had a better opportunity of a full discussion of the whole subject. He did not say that in any way as casting a reproach on those taking part in these discussions; but

*Mr. A. M. Sullivan*

he made use of the argument for what it was worth. There were a large number of important matters to be settled—there was the constitution of the Court, there was the question of arrears, and there were other matters which he need not recapitulate, that would require further consideration. But what would happen if the Committee went on spending more time on this clause? Every day was very precious, and when they reached these important matters they would be told there was no time for these important questions; therefore, with the desire to devote time to this Emigration Clause, which had really been reduced to a very small question, they would diminish the time that ought to be employed in the careful discussion of other matters. Now, let the Committee consider whether it would not do wisely to take warning from the position in which it found itself, and avoid those dangers for the future. There had been a good deal of talk about the importance of a division to test the sentiments of Irish Members, and they had been told that a division now would not afford fair evidence of the balance of opinion. Well, he did not know what was to be gathered from a division; there had been a good deal of expression of opinion from Irish Members in different senses; but if it were true that it would not be convenient to take a division, why take it—why not, to avoid a wrong impression, allow the clause to be taken without a division, and reserve a general challenge to another stage of the Bill—the Report? It seemed to him a wiser course and more in the interest of all parties. He did not say it was necessary to discuss it on Report; but it would be wiser, he thought, to pass the clause now, and proceed at subsequent Sittings to make progress with those parts of the Bill that really required consideration.

MR. ARTHUR O'CONNOR said, he felt he could address the Committee without any real anxiety as to a possible imputation of Obstruction, for though he represented a constituency particularly interested in any Bill relating to the tenure of land, it being entirely agricultural, he had, up to that present moment, taken no part whatever in the discussion of the Bill before the Committee. He did not rise on the second

reading, or put his name down for a single Amendment; but as to this clause, he was convinced from the first that it would be necessary to place his opinion before the Committee, and he was prepared to show what he believed to be reasonable cause why the clause should not be included in the Bill. It would not be difficult to show it was bad in principle, bad in policy, and that the money proposed to be spent under it could be much better employed. The result that was anticipated to ensue from the carrying out of this scheme of State emigration would not at all correspond with the intentions of the framers of the Bill. But on a Motion to report Progress, of course, he would not be in Order in entering on an argument of this kind.

THE CHAIRMAN: The Question before the Committee is not that I report Progress, but that the clause, as amended, stand part of the Bill.

MR. ARTHUR O'CONNOR said, he understood it was a Motion to report Progress. But that being so, and it being now past 3, and the House having to meet again at 2 o'clock, it did seem to him that it was scarcely an hour when it was fair to Irish Members, who, like himself, had not delayed the Bill by one minute, to expect them to deliver their views on the clause. Under the circumstances, and considering that the suggestion thrown out was a very reasonable one—namely, that if the Government would consent to report Progress now, and devote the Morning Sitting, not the whole day, to the discussion of the clause on its merits, they—the Irish Members—would be prepared, so far as they could, to give a *bona fide* undertaking that the discussion should not go beyond the Morning Sitting. This being a reasonable proposal, he begged to move—[MR. PARNELL: No, no! do not do that.]—Well, he found that his hon. Friends did not desire that he should do so, and as it was perfectly useless to attempt to proceed now with a full discussion of the merits of the clause, though he was prepared to do so earlier in the Sitting, he would confine his remarks to saying that he was perfectly convinced that the clause, with the limitations that had lately been put in it—namely, that the total expenditure should be £200,000, would have nothing at all like the effect the Government anti-

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pated. The result would be, he believed, that whereas the voluntary emigration, which had increased in two years from 45,000 to 80,000, and was likely to reach 100,000 in the present year, had been carried on at the expense of emigrants, those, finding that the money was forthcoming for their passage, would draw on the public funds placed at their disposal, and the public money would, therefore, be spent upon paying the passage of men who otherwise would spend their own. It appeared to him that the clause would be futile, and he should certainly vote against it.

MR. PARNELL said, they could not, of course, accept the suggestion to allow the clause to pass without a division; they must divide against the clause now, and also on Report; but the Government must expect that a discussion would be taken on the Report stage because they unjustly refused it now.

MR. O'DONNELL said, he was not in favour of a postponement, the only effect of which would be that to-morrow some half-dozen Members who had taken no part in the struggle would take the opportunity of making their last speeches. He was in favour of disposing of the clause now, and it was not the Government clause now, it was the clause such as the opposition of Irish Members had made it.

MR. R. POWER said, he was sorry the Government had not acceded to the suggestion for reporting Progress; for, if allowed to take it up on the morrow, Irish Members would have been bound in honour to allow it being finished. When he saw the Secretary of State for the Home Department rise his hopes were dashed, for the right hon. Gentleman was nothing if not angry; and sometimes, when not really so, he pretended to be, and he (Mr. R. Power) thought there was a great deal of that on the last occasion. To-morrow might have been devoted to a fair and legitimate discussion, and they would have pledged themselves to allow a division; but now the discussion of the clause must be postponed to Report. There had been a sort of wild discussion on the clause for the last two hours; but it would be found that it had not in any way facilitated the Bill. He was not ashamed to say he had taken a rather prominent part in what right hon. Gentlemen might call Obstruction if they liked;

but he (Mr. R. Power) did not give it that term, except in the manner in which the Prime Minister gave it in the celebrated article quoted to the Committee early in the evening. But he felt strongly that the clause would work injuriously to the people of Ireland, particularly to the farmers in the West of Ireland, who originated and brought to its present stage the land movement in Ireland; and though he had not taken a prominent part in that agitation, still he could not forget the service it had been, and the sacrifices these poor people had made. There was another reason why he asked for a postponement of the clause. The Prime Minister made rather an extraordinary statement, when he said that a majority of Irish opinion was in favour of the clause, and Irish Members undertook to prove that this was not the case. The right hon. Gentleman went further, and even insisted, if this were not the case, that the clause should be inserted. He (Mr. R. Power) thought at the time this was an extraordinary statement to come from the right hon. Gentleman, who at one time declared his intention of governing Ireland according to Irish ideas. Then, when the Government refused one proposition, Irish Members made another—that the clause should be postponed until the end of the Bill. That was also refused, and they found themselves in the unpleasant condition of being forced into a position which he, for one, did not in the least enjoy. But now the struggle was over, he, for one, was very glad of it. But there was another reason why they asked that the clause should be postponed to the end of the Bill. They were very anxious that the country should have the opportunity of declaring its opinion on the question, and that opportunity would have been afforded by a postponement. This Emigration Clause was not expected to be pressed, and his hon. Friend said he did not believe the Government had any sinister intention in this clause; but if the Government, at the beginning, had told the House that they only intended to devote £200,000 to the purpose, that would have changed the position he had taken; but the Government foolishly held back, never saying the amount they intended to spend, and he was afraid that in Ireland the people would really believe that the Government had had a dark and sinister motive. Because they

*Mr. Arthur O'Connor*

must remember it was not the first time in their history that emigration had been proposed as a cure for the evils of Ireland. He was old enough to remember a Whig Lord Lieutenant, who, when the people were fleeing from the country by thousands, declared in Dublin Castle that it was a healthy wholesome sign. He had only to say, in conclusion, that he had done what he believed to be his duty on this occasion, and a more troublesome and painful one he had never had to perform; and when the Prime Minister taunted them with obstructing the Bill, he quite forgot that in every division taken on the Bill they had voted in support of the Government. He had an Amendment to the Bill which would have raised great and vital issues, and which would have taken up two or three nights; yet, in order not to retard the Bill, which he would admit was, in many of its provisions, a good and sound measure, he took off his Amendment. Then, during the whole of the discussion, he had never raised his voice to delay progress; and he deeply regretted that the Prime Minister should have gone out of his way, because he, with others, conscientiously believed that this clause would be ruinous to the people of Ireland, to say, therefore, they did everything in their power to obstruct the Bill.

Question put.

The Committee divided:—Ayes 126; Noes 23: Majority 103.—(Div. List, No. 309.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

MR. PARNELL said, that, notwithstanding their reduced numbers, and the fact of the division being taken at a time when it was not expected, the Irish Members who voted against the clause were in a majority of three over those who voted in its favour.

MR. W. E. FORSTER said, he would remind the Committee of what the hon. Member had himself stated—namely, that the division would not be the real expression of the views of Irish Members.

MR. A. M. SULLIVAN said, he was sorry to discover that, in that forced division, the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) had not dared to vote,

and that after he had accused Irish Members of not daring to go to a division.

MR. T. P. O'CONNOR said, he was glad the Chief Secretary for Ireland had left the House, for, according to Dr. Johnson—"Where there is shame, there may be virtue yet," and he had not the slightest doubt that he was ashamed of the proceedings of the Government. Let Progress be reported, that the Government might not have to display, in the full light of day, the imbecility of their tactics. Now, at the end of three days, it had come to this—that they were going to spend £200,000 on emigration from Ireland. From a large scheme, it had been reduced to a miserable petty peddling sum, that it was not worth spending half-an-hour upon. That was the result of the tactics of the Treasury Bench.

Question put, and agreed to.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Four o'clock.

## HOUSE OF LORDS,

*Friday, 15th July, 1881.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Sale and Use of Poisons \* (159); Erne Lough and River \* (149).  
*Committee — Report — Commons Regulation* (Shenfield) Provisional Order \* (132); Alsager Chapel (Marriages) \* (153).  
*Third Reading — Statute Law Revision and Civil Procedure* \* (140); Water Provisional Orders \* (102), and *passed*.

## AFFAIRS OF THE TRANSVAAL—THE ROYAL COMMISSION.

### QUESTIONS. OBSERVATIONS.

THE EARL OF CARNARVON, in rising to inquire of the Secretary of State for the Colonies as to the present position of the business, the procedure, and the probable duration of the Royal Commission for the settlement of the affairs of

the Transvaal; further, to inquire what progress has been made towards the determination of the compensation to be awarded to the loyalist inhabitants of the Transvaal, and of the securities to be taken for the protection of the natives in the province; and what steps have been taken for bringing the murderers of Captain Elliott, Mr. Barber, and other Englishmen to justice, said: My Lords, I am not about to call your Lordships' attention particularly to the state of the Transvaal at this moment. I have already had an opportunity in this House of expressing my opinion on that point, and what I desire now to do is to call the attention of Her Majesty's Government and of the House very briefly to some points which seem to me to be of such urgency that they brook no delay. I need not tell the House that, as far as I am concerned, I shall be very careful in stating no fact which I do not believe to be accurate, and I trust my noble Friend opposite will be able to give a clear answer to the Questions I am about to put; and I think it is all the more important that the House should understand the position of this question, because in this country, at the present moment, very little is known of the true state of affairs in the Transvaal. Without adverting to any point which ought not to be touched upon in this House, I may observe that my right hon. Friend (Sir Michael Hicks-Beach) has been precluded from obtaining information in the House of Commons on the subject. A Motion of my right hon. Friend's is on the Notice Paper of the House of Commons; but it has been twice postponed in consequence of the state of Public Business in that House, and it is very questionable indeed whether, at this late period of the Session, it will be possible for the other House to enter upon this question. The House of Lords, therefore, is really the only place in which we may obtain any information from Her Majesty's Government on these subjects. Now, my Lords, the first question to which I desire to call the attention of the noble Earl opposite has reference to the Commission which is now sitting at Pretoria. That Commission consists of three members—Sir Hercules Robinson, Sir Evelyn Wood, and Chief Justice Villiers, with the addition of Mr. Brand, the President of the Orange Free States,

*The Earl of Carnarvon*

who sits, as far as I understand it, in the capacity of *amicus curiæ*. I do not desire to criticize the constitution of that Commission; but if any criticism were necessary, I should say that it is of an extremely Dutch character. I certainly am not the person to find fault with Sir Hercules Robinson, with whose distinguished career in the Colonial Service I have long been familiar; nor again with Sir Evelyn Wood, that brilliant General; nor with Chief Justice Villiers, whom I believe to be a most excellent lawyer and a man of the highest character. But it must be obvious to the House that on that Commission there is not one single person who is qualified to represent the English view of the case by long local experience; while, on the other hand, the real force and power of the Commission are exclusively Dutch. The next point to which I wish to call the attention of Her Majesty's Government is the serious public inconvenience which must arise from the continued presence of Sir Hercules Robinson on this Commission. Sir Hercules Robinson has now been at Pretoria for a considerable time. During his absence a change of Government has taken place, and questions with regard to Basutoland, and other matters of grave importance have arisen; and I feel confident that, if ever the presence of a Governor was necessary anywhere, it is necessary at this moment in the Cape Colony. I next desire to ask Her Majesty's Government what amount of progress the Commission has made? When they commenced their labours they were strongly pressed, as appears from the Blue Book, to limit their work to six months; but I think either Sir Hercules Robinson or Sir Evelyn Wood expressed an opinion that the work might be done in four months. The Commission was issued on the 16th of April, and, therefore, the period of four months is rapidly running out. Lastly, with regard to that Commission, I should very much like to know what the powers are with which it is armed. In the Instructions given to the Commissioners by my noble Friend, I cannot detect anything which will really strengthen their hands or invest them with actual power in enforcing their decisions. If the decision of the Commissioners should be in a Dutch sense and favourable to the Boers, I have no doubt that decision will be respected; but if it should

be in the opposite direction then I will give the probable result in Sir Evelyn Wood's own words, to which I conclude no objection will be taken—

"Mr. Joubert spoke of the difficulty he had with his men in obtaining their acquiescence to the terms accorded to them by the telegram of the 17th. In point of fact, he gave me to understand that the question of peace or war lay very much in the hands of those who had taken up arms under his leadership. I believe this to be the case, and I think it not impossible that these men, who have the prestige which attaches to men as yet unconquered, may at any future time make their voices heard in the event of the Royal Commission giving decisions unpalatable to them or which may fall short of their expectations."

What authority, then, have the Commissioners for enforcing their decisions? Sir Evelyn Wood adds—

"I consider it essential, while the Royal Commission is sitting, to keep a large force at Newcastle, within striking distance of the Transvaal."

THE EARL OF KIMBERLEY: Hear, hear!

THE EARL OF CARNARVON: My noble Friend cheers; but does he intend to keep that force there in permanence? If so, we shall find ourselves in the presence of a new and very unsatisfactory development of this strange transaction. But I pass on to another matter. The noble Earl has given in a previous Paper some very clear instructions for the guidance of the Royal Commissioners. The points on which he instructed them were six in number, and they may be briefly stated as follows:—(1.) Self-government under the suzerainty of the Queen; (2) a British Resident; (3) protection of Native interests; (4) severance of portions of the country now included in the Transvaal; (5) no molestation for political opinion and a complete amnesty; (6) the question of compensation to either side. I do not propose to touch upon several of these points. They are matters which I think are of very serious moment; but they cannot be discussed with advantage till we have the Report of the Royal Commission before us. I will say nothing with regard to self-government, or the appointment of a Resident, important as the questions are, nor even as to the severance of any portion of the Transvaal, except this—that the necessity of that severance has been dwelt upon very strongly at different times, has formed so considerable a part of the pro-

gramme or understanding of what is intended, is in itself probably so essential to the protection of the Native races, whom we have undertaken to support, that it can hardly be abandoned without a great loss of credit and even safety; but there are at this moment in the Transvaal and in South Africa generally rumours which are acquiring strength that that severance will not be insisted on. I do not discuss the question; but I deeply deprecate our being driven in this sort of way from one point to another, until at last there is no standpoint left. The subjects, however, to which I draw attention are such as can well be discussed at the present stage of the negotiations. I desire to know on what terms and conditions compensation is to be awarded to the loyal inhabitants of the Transvaal; what securities the Government are about to take for the protection of Natives; and, lastly, what steps have been taken for bringing to justice men who have been guilty of the foulest possible murders? With regard to the loyalists, I would remind the House that over and over again assurances were given to them that the annexation of the Transvaal would never be reversed. These assurances were given by myself, by the present Colonial Secretary, and, though the Prime Minister disputes the fact that he gave categorically the same assurance, there can be no doubt about the pledge given by the Government as such. Sir Bartle Frere distinctly promised that English rule would be maintained. Sir Garnet Wolseley told the loyalists that as long as the sun shone on the Transvaal the English ascendancy would be maintained, and Sir Owen Lanyon used language almost as strong. On the faith of these assurances numbers of loyal Boers, and of Englishmen and Scotchmen, remained in the country or settled in it. They invested their money there; sometimes their all, and in the course of three years they grew prosperous, and as they prospered so did the country of their adoption. In 1877, at the time of the annexation, there was 12s. 6d. in the Exchequer of the Transvaal; in 1878, there was £82,000; in 1879, £93,000; and in 1880, £174,000. These figures speak volumes as to what English rule has done in the Transvaal. Then came the war, and some of the loyalists took refuge with Native Tribes, others went



to Potchefstroom or Pretoria. They threw in their lot with us, shared all our hardships and dangers, and suffered largely in killed and wounded. No less than 700 volunteers mustered in Pretoria. I want to know what will be the fate of the survivors of those 700 men? But at last peace came, and in the Instructions sent by the noble Earl (the Earl of Kimberley), we find a clause saying there is to be no molestation for political opinion on either side; and that a complete amnesty is to be accorded to all who have taken part in the war, excepting only persons who have committed, or are directly responsible for, acts contrary to the rules of civilized warfare. The noble Earl also said that the Government were bound to take care that those who had been faithful to the British cause should not suffer any detriment in consequence of their loyalty; and that it would be the duty of the Commission to secure to all loyalists, whether Dutch or English, full liberty to reside in the country, with full civil rights, their person and property being protected. But what is the state of things at present? From private, but perfectly reliable information, I hear that the country at this moment is full of rapine and pillage, and that those who have remained loyal to us are subjected to every sort of hardship by the orders of the functionaries of the Transvaal themselves. In some cases, their houses have been looted and their property confiscated, and even sold, by order of a public functionary. If that is done now, when you have your Army within striking distance of the Transvaal, and while the Commission is sitting, what do you expect will be the state of things six months hence when that Army is withdrawn? I will mention three cases, which may be taken as samples of what is now passing. A Mr. Struben has lived in the Transvaal for 16 years. He was respected, rich, and loyal to each Government in turn, just as in France of recent years many a Frenchman has been loyal to each Government in succession. But now, in consequence of his allegiance to the English Government, his property is confiscated, and he is a proscribed man. I believe that agricultural implements worth £4,000, which were on their way to him, were seized and confiscated on their arrival in the Transvaal.

*The Earl of Carnarvon*

THE EARL OF KIMBERLEY: May I ask the noble Earl the date of that confiscation?

THE EARL OF CARNARVON: I cannot say.

EARL GRANVILLE: From what document is the noble Earl quoting these words?

THE EARL OF CARNARVON: I have already stated that this information is private, but, as I believe, quite reliable. Then there is the case of a Mr. M'Hattie, who has also resided for many years in the Transvaal. The Boers seized all his breeding stock, and cut the throats of all the animals they could not carry off. He brought an action in the High Court, and was granted an interdict, which, in Roman law, is, I believe, equivalent to our injunction; but the Boer leaders against whom the injunction was directed took advantage of a clause in the Instructions of the noble Earl, under cover of which the property was detained. If the Boer leaders themselves, if Joubert and the others act in this way now, what chance will there be of fair and equitable treatment for the loyalists when your troops are withdrawn? Another case is that of Mr. Forsmann, who was Consul General for Portugal. He had lived in the Transvaal for 30 years, and was on excellent terms with the Boer community until, on an unfortunate day for himself, he joined the Legislative Council of Natal. Since the hostilities broke out he has been a persecuted and plundered man. His house has been looted and confiscated by order, as I understand; and his losses, if they may be judged by his claims, on which I do not express an opinion, amount to £200,000. The truth is, that the loyal population in the Transvaal at this moment are in a most painful position. They are terrorized, and are obliged either to fly or to remain in their residences at the peril of their lives and property, and hardly venture to give evidence of their own wrongs or losses. It is, of course, true that among those who demand compensation are men who have speculated in land; but if they are to be refused compensation on that ground, you might as well refuse compensation to a man who has dealt in Consols. Further, I want to know from what source this compensation is to be paid? I presume my noble Friend will not say

it is to be charged upon the Transvaal. That would be a simple mockery, as everybody knows. I presume he will not tell me it is to be paid in money issued by the Transvaal Government, because just before the annexation they issued "Bluebacks," which were of the value of not quite 2s. in the pound. I have this additional reason for this question. There are many persons to whom the faith and honour of this country are pledged, as deeply as it is conceivable that the honour of a country could be pledged. Of Sir Theophilus Shepstone's salary, half or two-thirds is charged upon the Transvaal. The half, if not the whole, of President Burgers's salary is, I believe, also charged upon the Transvaal. It is important, as regards this and other cases, that we should know whence these payments are to be made. Mr. Gladstone has written a letter which has been published in the last issue of Papers. I am not going to criticize that letter, because I admit the distinction which he draws; but I should be, at the same time, glad if he had more distinctly stated the sources from which compensation was to be derived; and all the more that a gentleman has been sent from the Treasury whose presence is a guarantee, at all events, that very great and rigid severity will be observed in estimating the claims of those unfortunate loyal Boers. There is another point upon which I should be glad of the attention of the noble Earl. I mentioned it to him a fortnight ago, so that he should have time to satisfy himself of the accuracy of the statement, and until I hear that this Report to which I allude is true I refrain from criticism. I am told that the Royal Commission, while it was at Newcastle, sat with closed doors, and that the Boer leaders, and even their representatives or substitutes, were allowed freely to enter the room; whereas, on the other hand, the loyal Boers, who were at hand in crowds, were not allowed to be present. I really cannot believe that that statement can possibly be true. I can only say, if it were possible, it would be as great an error of judgment on the part of these gentlemen as could possibly be committed. I hope to hear from my noble Friend opposite that he is perfectly satisfied that there is no truth in that report at all; and not only that there is no truth in it, but that the loyalist Boers have had such opportuni-

ties of stating their case, cross-examining witnesses, sifting evidence, and placing their claims and interests before the Commission in a fair and reasonable way, as is due to them of all men in the world. I pass now to the next point—the amount of protection which we have given on behalf of the Natives. There is an ambiguity in one despatch in the recent issue of Papers on this point. I believe myself that the Government are prepared to give their protection to all the Natives within the Transvaal. But there is an impression which is ambiguous. I understand, however, that the Government intend to include under their protection all the 700,000 or 800,000 Natives in the country. To all these Natives assurances were given of precisely the same nature as those given to the English and European population, and given by the same persons and in the same way. During all this time those Natives had remained firm in their loyalty to England. They paid their taxes; they were subjected to every sort of temptation by the Boers to rise against us, and were reduced to great straits in consequence of their loyalty. Notwithstanding, they remained unswervingly true and loyal to us. I think there has not been a single exception. They have accepted the orders given them, and their one single trust has been the Queen, or, in their own touching language, "The lady who hears, though very far off;" their one single entreaty has been not to be abandoned, and they have always, I believe, without exception, spontaneously appealed to us for protection against the Boer rule which they saw coming upon them. There are more than 700,000 or 800,000 Natives, and if their voices are allowed to count an overwhelming majority in the Transvaal is in favour of the English rule. Now, my Lords, we know very well—my noble Friend will not deny it—that these men are already subjected to threats and menaces by the Boers and their leaders. They are threatened by the Boers with expulsion from the land on which they have lived for ages. One case was so bad that even my noble Friend opposite thought it necessary—though at this juncture he thinks it essential to remain on good terms with the Boers—to remonstrate with Mr. Kruger—one of the Triumvirate—and to caution and

warn him as to the conduct he has adopted, and to say that the statements made respecting him required serious consideration. Again, I say that if these things occur in the green tree, what will be done in the dry? If they are possible now, what will happen when your arms are withdrawn? I wish to call attention to another point. There is a despatch of Sir Owen Lanyon on the affairs of the Transvaal, issued in April of this year, in which there is a Minute by Mr. Shepstone. I must say that Minute ought never to have seen the light of day. It is obviously a confidential document. It recites the cases of, I think, some 16 or 17 Native Chiefs, who have been loyal to the British Government, and who had made offers of assistance to us. Their names are given *in extenso*. Thereby, when the day of reckoning comes, they will be handed over to the vengeance of the Boers. I am quite aware that this must have been an oversight, but a grievous oversight, which will bring a terrible retribution on these unfortunate men. I hope the Government will take some special means for the protection of these men. We may have volumes of paper schemes for the Transvaal; but what you want is some real security. But what security is possible? A neutral zone, or, as I before said, a severance of territory on the East, was proposed in which the Natives might reside. But there are reports that this neutral zone is to be abandoned. If you look to the promises of the Boer leaders, you have Sir Evelyn Wood's statements, you have their own conduct, to guide you to a true estimate of the value of such assurances, when even the Colonial Secretary himself is obliged to deal with them with a somewhat high hand. Do you look to a renewal of the Sand River Convention? Why, the Sand River Convention is not, and never has been, worth the paper it is written on. It was a dead letter almost as soon as it was signed. Do you look to your Resident, to use an Indian term? But our Indian Resident and a Resident among the Boers are very different things. The Indian Resident has always at hand to support him the weight of an English Army, and that, to all who know India, is the real secret of his influence. But when your Army is drawn from the Transvaal, your Resident among the Boers will be utterly helpless. There are

three things which I apprehend are now beyond recovery. First, as it has been in the past, so will it be in the future, with respect to slavery in the Transvaal. The Boers were slaveowners, and will be slaveowners. They may not call the Natives slaves, slavery may be disguised under the title of apprenticeship; but anyone who knows anything at all of the state of the case knows that, to all intents and purposes, they are slaves. At this moment, no Native will dare to move from the land in which he is fixed without the permission of his master. Secondly, you have, and still will have, all those brutalities consequent on the system. You will have public and private floggings. You will have cases sometimes resulting in the loss of life, and you will always find that the jury will refuse to convict. You will find that Natives treated as inferior races always are the hewers of wood and drawers of water. So long as they submit patiently they will have an immunity from cruelty; but let them assert the smallest amount of independence and they will be treated like beasts of the field. And, thirdly, you have, at this moment, in the Orange Free State, a law which forbids the Natives holding an acre of land. That law existed in the Transvaal when we annexed it, and it will, no doubt, be re-enacted as soon as we leave it. I want to know, therefore, are you going to hand these Natives over to the Boers? Are you prepared to hand them over to the lash and the bullet? Are you prepared to abandon all those traditions which have been upheld by the Liberal as well as by the Conservative Party, and which have been the glory of the English name all over the world? There is another matter, and a very disagreeable one, to which I wish to refer, and that is the case of the murders. We have heard a great deal in the public papers on the subject of the forbearance shown by the Boers in this conflict. I do not deny that they have shown many high qualities in war; but there is another side to the story. There is evidence in the Papers of very doubtful proceedings—the firing by the Boers while the white flag was hoisted, and the use of explosive bullets. I hope there will be some answer given to the statements made under these heads; but they have been described fully and repeatedly by credible witnesses, and there ought to be some autho-

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ritative answer on the facts. There are officers of high position, Colonel Winslow and others, who have made Reports on the subject, and it will be desirable to know whether the explosive bullets were used or not. We know, again, that Englishmen were obliged to work in the trenches where the Boers would not expose themselves, and that they were blown to pieces by English shot and shell. Then we have the evidence as to the vast number of cold-blooded murders of Natives. Besides these, there are certain cases of very foul murder committed upon Englishmen. I will not go through them all. But I will specify the murder of Captain Elliott, who was shot by his escort when swimming the Vaal River, the murder of Mr. Barber, the murder of Mr. Green, of Mr. Malcolm, and, I am afraid, of several other Englishmen. These murders were committed in broad daylight, and the murderers were perfectly well known. Months have gone by since those murders occurred; but as yet the murderers have had complete immunity. Even if they should be arrested, and tried by a jury of Boers, I leave your Lordships to guess the prospect of a conviction. My Lords, I have completed my task, and I thank your Lordships for having listened to me so patiently. I have abstained from all reference to past policy, though I utterly disagree with it, and I simply ask these Questions—First of all, as to the present position of the business, the procedure, and the probable duration of the Royal Commission for the settlement of the affairs of the Transvaal; next, what progress has been made towards the determination of the compensation to be awarded to the loyalist inhabitants of the Transvaal, and of the securities to be taken for the protection of the Natives in the province; and, further, what steps have been taken for bringing the murderers of Captain Elliott, Mr. Barber, and other Englishmen to justice? I hope my noble Friend, in answering these Questions, will not say that he must wait until the close of the Commission, and in thus declining to answer give us mere generalities. I wait with some anxiety for one of those clear statements which the noble Earl is well able to make.

THE EARL OF KIMBERLEY: My Lords, my noble Friend ended his observations by saying he hoped I should

not shelter myself under the fact that the Commission was still sitting, and that I should give him an explicit answer to all his Questions. He will be able to judge after I have spoken whether I have given him the answers which he has a right to expect; but I am bound to say at the outset that there are some matters which it is absolutely impossible to answer in detail while the proceedings of the Commission are still going on. Your Lordships have long had in your hands the Instructions given to the Commissioners with regard to these matters; and, at the present moment, I can only say that the Commissioners have been proceeding within the lines of the Instructions which we gave to them. As to a great part of my noble Friend's statement, I have no difficulty in giving him an answer at once. My noble Friend commenced, in a fashion which is not unusual where you wish to bring a particular case forward, by endeavouring to cast doubts upon the efficacy of those who are intrusted with the settlement of the case, and I think he rather went the length of insinuating that they were too Dutch. I confess I heard that with intense surprise. I should have thought that no two men were less likely than Sir Hercules Robinson and Sir Evelyn Wood to sacrifice the interests of their own country to those of foreigners. As regards the third gentleman, who worthily represents the loyal subjects of the Queen—Chief Justice Villiers—although I do not deny that doubtless he has Dutch sympathies, I feel perfectly certain, knowing him as I do, that he will exercise his influence fairly and impartially. I believe the Commission is really a good one, and as fair a Commission as could be appointed under all the circumstances. Then there is President Brand, against whom suspicions are aroused. Well, he appears there as *amicus curiæ*. Surely he is entitled to be present. He represents a very important State in South Africa. He has played a very friendly part, and there is no man more likely to exercise a more ameliorating and soothing influence than he. I hope the Commissioners, whatever may be their decision, will be allowed to have endeavoured to do their duty fearlessly and impartially. But I am asked how are the decisions of the Commission to be enforced, and the noble

Earl said he had looked through the Papers, but had not found the powers given to the Commission to enforce their decisions, and he referred to the despatches of Sir Evelyn Wood, in which it was pointed out that in the course of the negotiations difficulties might arise—difficulties from the want of control of the leaders of the Boers over their followers—difficulties even from the Dutch population in Natal and the Cape Colony. He says—

“The general situation is by no means clear, and difficulties of serious import may arise at any moment, against which it is necessary to be forewarned.”

And then the noble Earl quoted with approval, and with something of an air of triumph, these words—

“Under these circumstances I cannot recommend any reduction for two or three months of the military force at present in this country. So strongly do I feel on this subject, that I consider it essential, while the Royal Commission is sitting, to keep a large force at Newcastle, within striking distance of the Transvaal.”

Surely the noble Earl must have perceived that the whole of Sir Evelyn Wood's observations in that despatch have reference to the state of things while the Commission is going on. And he says that while the negotiations are going on, that force, which we have previously heard was uselessly sent to South Africa, should be kept in readiness in order that, if the negotiations should fail, we may have it in our power to enforce our views. I may, in passing, refer to a very small matter and explain why I have laid on the Table a despatch which was given before only in extract. Certain portions of the despatch were not given because they were entirely of a personal nature. A portion was left out by inadvertence, and it has now been laid on the Table. The noble Earl adverted next to the very important question of the loyalists. I wish it to be distinctly understood that I feel a great sympathy for those who boldly and loyally supported the Queen's Government during the recent troubles. I agree in much which the noble Earl said on that subject, and I think it is our bounden duty to obtain just and fair compensation for the losses they have suffered. But I must not be supposed to admit that such a claim as that of the Portuguese Consul in the Transvaal to £219,000 can be regarded

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as anything but absurd and preposterous. It may be that his losses were real and considerable; but when the items of his bill come to be properly examined, I shall be astonished if they amount to anything like the sum of £219,000, and I think that the putting forward of such a demand is only calculated to prejudice other claims. The noble Earl asks whether it is true that the Commission has been sitting with closed doors in constant communication with the leaders of the Boers, and not admitting to their deliberations any of the loyalist party? My Lords, I have not specific information on the point; but I can answer him, I have no doubt, correctly. I have not the smallest doubt that the Commission did admit to constant communication with them the Boer leaders. If the noble Earl will refer to the Instructions, he will find that an essential part of them was that the Commissioners were to be in communication with those who were to represent the Boers. The original proposition was that the Boer leaders should be on the Commission. That we distinctly refused; but we thought it only reasonable that the Commission should be in communication with the Boer leaders, in order to agree with them on the various points on which the ultimate Convention might be founded. But if the noble Earl thinks that these claims to compensation are to be disposed of with closed doors, and without every fair opportunity for the claimants being heard, he is mistaken; the claims will be referred to a sub-Commission of an official nature, which will thoroughly examine and decide upon them; and the proceedings of the Royal Commission, so far as they relate to the question of compensation, are only of a preliminary character. The noble Earl put a very natural question, in which, no doubt, many persons feel a deep anxiety—namely, from what fund this compensation is to come. That is one of the important points which have to be settled. I can tell him that the claims will certainly not be paid in Transvaal “Bluebacks.” The mode of payment is not yet settled; but I know sufficient of the intentions of the Government to be able to say that whatever compensation is awarded will undoubtedly be secured in good sterling money. The noble Earl spoke of the terrible treatment which might be ex-

pected hereafter, as measured by the treatment which the loyal White inhabitants of the Transvaal are now suffering; and he read to us two or three cases. I asked for the dates, because it is of great importance to know whether these occurrences took place before or after the peace. A gentleman, whose name my noble Friend did not mention, but who has been in communication with me, suffered a severe loss by all his horses being taken by the Boers for the purposes of war. His case clearly falls under the class of those which will be heard by the sub-Commission. Although I cannot pledge myself—for I cannot be acquainted with all these details—yet I think it is, at all events, probable that it will be found that many of these cases occurred during the war, or immediately after it. I fear that it is also possible, in the state of disorganization into which the country has fallen through the absence of settled government—there being, in fact, a provisional state of things, pending the settlement—that cases may have occurred which have given reason for complaint on the part of some who have been loyal to the Queen. They have not come directly to my knowledge; but they may possibly exist. But my noble Friend says the important question is what provision we intend to make for the future. He read a passage from my instructions, and it will be my duty, to the best of my ability, to see that effect is given to those instructions. Every point which he has mentioned will be carefully attended to. The noble Earl may say that the Convention will be only waste paper; but as far as a distinct agreement can go, we shall overlook no point on which the loyal subjects of the Queen may feel concerned. Then, my noble Friend referred to the case of the Natives, and he found fault with me for having produced an interesting Memorandum of Mr. Shepstone. Does the noble Earl really think that the proceedings of such Native Chiefs as those alluded to in that Memorandum were not entirely known to the Boers? The Boers were far too well acquainted with what had gone on in the country to require to be enlightened by that Memorandum. My noble Friend next adverted to the communication which I addressed to the Commission, because every possible at-

tempt is made by those who wish to destroy that peaceful settlement to discredit Mr. Kruger, Mr. Pretorius, Mr. Joubert, and, in fact, everyone who is concerned in it. The hope of those who set about lying calumnies of every kind is that by some means or other they may bring about a renewal of the war. And when I saw those accusations against Mr. Kruger, of having done and said certain things that would have been most discreditable, although believing those statements to be untrue, I thought it only due to him and to myself, considering that Mr. Kruger is a very important person in connection with the negotiations going on, to give him every possible opportunity of denying the statements thus made. Mr. Kruger answered at once. My noble Friend did not refer to it. Mr. Kruger denied the accuracy of the statements alleged to have been made by him, and gave the specific engagement which has been mentioned. My noble Friend said why did we ask for such a specific engagement? It was because if Mr. Kruger was acting honestly and truly, as we believed, he would show it at once, and he immediately, without reserve and without difficulty, gave such an engagement. We have received the answer that we expected. It is honourable to the man, and a fair test of his honesty and sincerity. As to the condition affecting the Natives, I cannot enter into details at this moment; but I almost think that when my noble Friend sees the various arrangements that we have made, supposing they are ultimately adopted, as we hope they will be, in their final shape, he will find that we have not forgotten the case of the Natives. I believe I have answered most of the questions which my noble Friend asked. But there is one point which I ought to have mentioned. He said, look at the great result which had followed from the great influx of English into the Transvaal, and as evidence, a remarkable balance-sheet was produced. He said that when the English took the Transvaal over there was only 12s. 6d. in the Boer Treasury chest, while year after year this balance increased, until last year it stood at £180,000. I admit that the improvement in the Transvaal is very encouraging under English rule and creditable to the administration of Sir Owen Lanyon; but I must point out

that the latter balance-sheet does not represent the real expenditure, inasmuch as it does not contain a single farthing for the military establishment of the country. The whole of the military expenditure must be debited against that £180,000. Moreover, when the 12s. 6d. was in the Treasury the Boers had just been engaged in an unsuccessful expedition against Secocoeni. Were the last balance-sheet to contain the items of the two British expeditions against Secocoeni, the result would be very different, because the successful one cost £368,000, and the unsuccessful one must have cost a considerable sum also. The noble Earl has spoken of the unfortunate murders which have taken place, and referred to them as of vast number.

THE EARL OF CARNARVON: I think I said a great number. I meant a great number.

THE EARL OF KIMBERLEY: There is such an extraordinary amount of exaggeration with regard to everything concerning the Transvaal that one is obliged to take notice even of an adjective. But I am afraid that a considerable number of Natives have lost their lives. With respect to the particular murders to which my noble Friend refers, the best answer I can give the noble Lord is contained in two or three of the most recent telegrams I have received on the subject. With regard to Mr. Barber, who was murdered, not in the Transvaal, but in the Orange Free State, we applied to President Brand to have justice done. The answer, dated 1st May, was—"President Brand has taken steps to bring to trial the persons accused of murder." Mr. Barber left two children, I am sorry to say, orphans, and that may form a fair subject for compensation from the Transvaal. With regard to Captain Elliot we sent a similar telegram, pressing for the murderers to be brought to justice, and the answer was, that on the 4th July two of the party who fired at him were committed for trial before the High Court. Then there was the case of Mr. Malcolm, and the persons accused in that case were committed for trial on the same day. The question with regard to Mr. Green's case is whether or not it comes within the amnesty. The Attorney General, we are informed, has undertaken to collect evidence. When the facts are established it will be seen whether or

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not it is covered by the amnesty. Then a very general accusation is made that the Boers, during these disturbances, had acted in a discreditable manner by firing upon the white flag. Nobody will contest that it is a dishonourable action to fire upon a white flag; but before your Lordships pass judgment on this charge against the Boers, it is well to hear what is said on the subject on the one side and the other. This charge reminds me of what happened to myself on the subject of firing on a white flag. I had the honour to be intrusted with a mission to St. Petersburg after the conclusion of the Crimean War, and one of the first things said to me by a person very high in position when I arrived was this—"We are glad the war is over, and we wish to be on good terms; but it is lamentable to think of the frightful atrocities which you committed during the war." And when I inquired what the atrocities were, the answer was—"Oh, repeatedly firing on the white flag." On which I replied—"If I were you I would not say anything about that, because that is precisely the charge that the people of England make against the Russians, and they think they have the strongest ground for that charge." Undoubtedly, there have been cases in war in which the white flag has been deliberately fired on; but there have been more cases in which this has happened from mistakes, or from disobedience, or in the hurry of action, and I trust that no stronger censure will, on this account, be dealt out to the Boers than is dealt out to other nations engaged in a European war. I regret as much as anyone can that, owing to circumstances over which neither I nor any of us have any control, there has not been in "another place" a full discussion of this subject. But I wish to express my belief that the more the conduct of the Government is inquired into the less it will be found to merit the reprobation which has been passed upon it.

#### INDIA—COOPER'S HILL COLLEGE— CIVIL ENGINEERS.

##### ADDRESS FOR PAPERS.

LORD BELPER rose to ask the Under Secretary of State for India, Whether he can state the reasons which have led to the change in the scheme of manage-

ment of Cooper's Hill College; and to move for a

"Copy of the new scheme, and also a copy of any correspondence that may have taken place between the Governor General in Council and the Secretary of State for India on the subject; also for a Return of—1. The annual expenditure of the college since its foundation; 2. Annual receipts from the students; 3. The number of students who have entered the college in each year since its foundation; 4. The number of students in each year who, having passed through the college, have received appointments as civil engineers in India."

THE DUKE OF ARGYLL said, that he took very great interest in Cooper's Hill College, which was founded during the time of his administration at the India Office. If a great school of engineering had existed in India capable of supplying a sufficient number of competent men to execute economically the public works undertaken in India, it would have been folly on the part of the Government to start an institution like Cooper's Hill College. But the Indian Government had lost annually enormous sums of money by the carelessness and incompetence of many of the civil engineers in India, and when holding the Office of Secretary of State for India he found that it was hardly possible to obtain in the open market a sufficient number of competent men to conduct the public works in India on a scale such as that on which they were then being undertaken. Some of the civil engineers in India at the time to which he referred were very distinguished persons; but there were also a number of inferior men who might have been called "hard bargains." On one occasion, some millions were spent under the direction of the engineers of India in the construction of new barracks. It turned out, however, that these buildings had been erected in accordance with entirely erroneous principles, and that they were mere "sun traps." They were tremendously hot, and in consequence the health of the troops quartered in them suffered severely. Many of them were so insufficiently built that it was found they would not last for more than a few years, and in some cases even the lime that had been used was pronounced to be bad. In this way the Indian Government were annually losing hundreds of thousands of pounds in bad engineering. The insufficiency of the engineering service having been brought prominently before the notice of the India Office, the authorities formed the idea of the erec-

tion of Cooper's Hill College. The project was opposed by a number of persons, including many Members of Parliament, but eventually it was successfully carried out. He had always heard that it was considered that the College was a very thriving institution; but he quite understood that during the financial difficulties which India had recently felt fewer public works had been erected, and that, consequently, there had been a diminution in the demand for the services of such engineers as were trained at Cooper's Hill. In conclusion, he wished to assure their Lordships that the foundation of the College was not agreed to until a most thorough investigation had convinced the Indian Department of the insufficiency of the previous system.

VISCOUNT ENFIELD said, his noble Friend behind him (Lord Belper) wished to know what had induced the authorities to make a change in the character of the institution known as Cooper's Hill College. The reason of the change was generally to extend its advantages, and this would, it was hoped, prove of use both at home and in India. A reduction was being made in the Public Works expenditure in India, and corresponding with that reduction there had been a diminution in the number of appointments on the staff of the Public Works Department. Cooper's Hill College having been established for exclusive training for civil engineers in India, it was not now possible to maintain it on its original footing, with the reduced number of men now required for engineering service in that country. It had in former years met with decided success. Rather than take steps which might eventually lead to its being closed, the authorities had determined, after consultation with and with the support of certain eminent engineers in this country, to try the experiment of making the College a general training institution for the civil engineering profession, offering the students at the close of their course of study the number of appointments required to fill up the vacancies which might occur each year in the Indian Public Works and Telegraph Departments. These appointments would be competed for among themselves. The College could receive 150 students, and the number of Indian appointments annually competed for would vary from 10 to 20. Correspondence had



taken place between the Secretary of State for India in Council and the Government of India on the whole subject of the future strength of the Indian Public Works Department and its recruitment; but as this Correspondence was still under consideration, he could not, speaking for the Secretary of State, undertake to produce it at the present time. There would be no objection to give the other Returns moved for, including a copy of the new scheme for Cooper's Hill College.

THE MARQUESS OF SALISBURY said, that Cooper's Hill College at the time of its establishment was a very necessary institution, as just at that time great Public Works were being constructed in India; but as time advanced the famines which periodically occurred in India made it inevitable that the amount spent on Public Works should be reduced, and it necessarily followed that the number of engineers required for the public service should be restricted also. As far as he had been able to observe, the education given at the school was of the highest character, and the results had been exceedingly satisfactory. He thought it should be very clearly understood that if there were more people being educated in England at this College than places could be found for in India, the inevitable result must be one of those periodical blocks which occurred in the service, and which always ended in the most disastrous manner for the Indian Exchequer. He believed the Government were acting wisely in the step they had taken; but he hoped the difficulties would not induce them to close altogether an institution which had done so much good service in the past.

Return, as amended, *agreed to.*

Address for—

Copy of the new scheme of management of Cooper's Hill College:

Also Return of—

1. The annual expenditure of the college since its foundation;
2. Annual receipts from the students;
3. The number of students who have entered the college in each year since its foundation;
4. The number of students in each year who, having passed through the college, have received appointments as civil engineers in India.—(*The Lord Belper.*)

House adjourned at a quarter past Seven o'clock, to Monday next, Eleven o'clock.

*Viscount Enfield*

## HOUSE OF COMMONS,

*Friday, 15th July, 1881.*

The House met at Two of the clock.

MINUTES.]—PUBLIC BILLS—*First Reading*—Elementary Education Provisional Order Confirmation (London) \* [215]; Summary Procedure (Scotland) Amendment \* [216].  
*Second Reading*—Metallic Mines (Gunpowder) \* [196].  
*Committee*—Land Law (Ireland) [135]—R.P.  
*Committee—Report*—Turnpike Acts Continuance \* [206].  
*Considered as amended*—Reformatory Institutions (Ireland) \* [190].

## QUESTIONS.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARRESTS AT KILFINANE, CO. LIMERICK.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If there is any other charge against Andrew Mortel and Edmond O'Neill (who were arrested under the Lord Lieutenant's warrant at Kilfinane, county Limerick, on the 21st of June), except the fact that they went round the town and collected the sum of three pounds three shillings to pay amount of three fines levied by Mr. Clifford Lloyd on a poor married woman and two other parties in Kilfinane who were accused of obstructing the public thoroughfare in that town; whether he is aware that the persons who subscribed to that fund have written to the public press to show that they gave their subscriptions voluntary; and, under those circumstances, if there is sufficient cause for detaining these two men any longer in prison?

MR. W. E. FORSTER, in reply, said, the only answer he could give to the Question was to read the warrant under which these gentlemen were arrested, and which charged them with intimidating persons in order to compel them to contribute towards the payment of certain penalties imposed upon other persons for the commission of particular offences. All he could state was that the Government were perfectly satisfied that the warrant was correct, so far as they could reasonably form any opinion, and that there had been intimidation.

MR. O'SULLIVAN asked if the right hon. Gentleman was aware that the persons from whom the contributions had been received had stated that the contributions were voluntary?

MR. W. E. FORSTER said, he was not prepared to put that interpretation upon what had occurred.

PETTY SESSIONS CLERKS' REGISTRY  
OFFICE, DUBLIN CASTLE.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the correspondence between the representative of a firm of solicitors and the Under Secretary in reference to a complaint made by the former, who alleges that, on the 17th ultimo, on calling at Dublin Castle, at the Petty Sessions Clerks' Registry Office, for information urgently required, it was repeatedly refused him by a subordinate official, James Mackey, unless a written communication were made, involving a loss of time of several days; that, on being asked his name, so that it might be ascertained if he was acting within his instructions, he refused to state it; that, on being reminded that he was a public official, paid out of the public funds, and bound to courtesy, he replied to applicant, "You contribute very little to them except when you are fined for being drunk and disorderly;" that, on being pressed for the information so much needed, he ordered applicant to leave the Office, and threatened to send for a policeman; that, on applicant's refusal to leave, he did actually send for a constable; that, on a complaint hereof being sent to Mr. Burke, Under Secretary, ten days were permitted to elapse before a reply was forwarded; whether there is any sufficient excuse for such delay; whether, on being further pressed, Mr. Burke again allowed ten days to elapse before answering; whether in his last communication he declined to take any further notice of the matter; whether if information is urgently needed from a Dublin Castle Office on an obvious matter, of which ignorance is not alleged or knowledge denied, application in writing is always insisted on; if so, whether it usually takes ten days to reply to such communications; whether Mr. Burke refused to answer five material questions put to him in the

first letter; whether the Correspondence has been submitted to the Chief Secretary; whether he approves of the Under Secretary's answers, and of his refusal to cause suitable amends to be made to applicant for the indignities put upon him; whether Mackey was justified in refusing his name and in sending for a policeman; whether, if he does not approve of Mackey's language and conduct, he will state what notice he proposes to take of it; and, on what class of estimates this official's salary becomes a charge?

MR. W. E. FORSTER, in reply, said, he was sorry the hon. Member had thought fit to take up the time of the House by this Question. He also regretted the manner in which this Question was framed, and the way in which a very respectable man—Mr. Mackey—was alluded to. He had been informed that there was a dispute between a representative of a firm of solicitors and a gentleman who signed himself "A Solicitor's Apprentice," named Mr. Maurice Healy, a near relation of the hon. Member. [MR. HEALY: Hear, hear!] He believed he was his brother. [MR. HEALY: Hear, hear!] He was also informed that Mr. Healy told Mr. Mackey that he intended to commence proceedings against him, and therefore he thought it might have been better to have waited the result of those proceedings. He also thought the way in which the hon. Member alluded to Mr. Mackey, who was a most respectable person, was not in the best taste, though that was not much matter. He was referred to in the Question as Mackey, a "subordinate official." Mr. Mackey was Chief Clerk in the Petty Sessions Clerks' Registry Office, and was a most efficient and deserving officer. He had seen 40 years' service, and during that time there had been no complaint ever made against him by the public for want of courtesy or attention on his part. He (Mr. Mackey) entirely denied the description of the interview which was given in this Question; but he thought that that was a matter which might fairly be left to the Court of Law to which Mr. Maurice Healy, it seemed, intended to apply.

MR. HEALY explained that the reason why he put this Question on the Paper was not because any of the persons concerned were connected with him,

but in order to show the way in which business was conducted in Dublin Castle. He wished to ask the right hon. Gentleman whether it was true that Mr. Mackey, on being reminded that he was a public official, paid out of the public funds, and bound to courtesy, replied, "You contribute very little to the public funds, except when you are fined for being drunk and disorderly?" He (Mr. Healy) also asked whether, when information was urgently required, a written application was always insisted upon, involving a loss of 10 days?

MR. W. E. FORSTER said, Mr. Mackey denied that he made the statement referred to; but he did not think the Question was one with which the time of the House should be occupied. Mr. Mackey stated that the reason he refused the information was because he considered it was information he was not at liberty to give. He was then treated in a most insulting manner, and was obliged to call in a policeman to take care that Mr. Healy went out of the house.

MR. HEALY gave Notice that he should call attention to the matter at an early opportunity.

#### SOUTH AFRICA—THE TRANSVAAL—PROSPECTS UNDER THE NEW GOVERNMENT.

SIR HENRY HOLLAND asked the Under Secretary of State for the Colonies, Whether it is correct, as stated in the Table of Contents, C. 2950, p. vi. (South Africa), that Sir Evelyn Wood, in his Despatch of March 28th, 1881, expressed "anxiety as to the future peace of the Transvaal under the new Government;" and, if it is correct, whether he will add that passage to the Extract from the Despatch given at p. 119, of C. 2950?

SIR CHARLES W. DILKE, in reply, said, that the words in the Table of Contents were not correct, for the passages omitted did not refer to the prospects of the Transvaal under the new Government, but to a possibility, as matters stood in March last, of a breakdown of the peace negotiations. The paragraphs three and four were omitted by inadvertence, and he had no objection to produce them. There were three or four lines omitted that would still be omitted because they related to names.

*Mr. Healy*

#### THE BOARD OF WORKS (IRELAND).

MR. HEALY asked the Secretary to the Treasury, Whether the scheme of reform in the Irish Board of Works will be laid before the House before the Land Bill passes, so that an opportunity for discussing it may arise?

LORD FREDERICK CAVENDISH: It is not intended to propose during the present Session any new scheme of reform in the Irish Board of Works. Many of the recommendations of the Committee of Inquiry in 1878 have already been carried into effect. Other important questions connected with the functions of the Board have been under the careful consideration of the Government; but the present is not considered to be a favourable time for dealing with them. The Land Law (Ireland) Bill relieves the Board of one large portion of its duties by transferring to the Land Commission all its powers relating to the purchase by tenants of their holdings. On the other hand, some of the other provisions of the Bill will increase the work of the Board. Until the effect of these changes is ascertained, it is not deemed expedient to make further changes in the constitution of the Board.

#### STATE OF IRELAND—"ENGLISH DEMOCRATIC CONFEDERATION."

MR. BELLINGHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to a speech made by an Englishman named Mr. Fredericks, a member of the English Democratic Confederation, at Loughrea on 8th July, and quoted in the "Daily Telegraph" of 9th July and other papers, in which he is reported to have said "I drink to the health of the Irish Republic," and that he would not be afraid to take up a rifle in defence of Ireland's rights; whether the making use in public of words of that character be in any wise a crime punishable by Law; whether he, as the result of his inquiry, can state whether Mr. Fredericks can be reasonably suspected of having made use of these words or words of a similar character; and, whether he has already caused many Irishmen to be detained in prison on the grounds that they were reasonably suspected of making use of language of a character far less strong and less likely

to lead to injurious consequences in the present condition of Ireland?

MR. W. E. FORSTER, in reply, said, before action was taken on words uttered at a public meeting, the first question to be considered was whether the words had been used; the second, whether they came within the powers given to the Government by the law; and, thirdly, whether they were spoken by a person of sufficient importance to require notice to be taken of them. The meeting in question was not an important one.

MR. BELLINGHAM asked whether a deputation of English miners had not been travelling for two weeks in Ireland using the same violent language?

MR. W. E. FORSTER said, he was aware that representatives of miners had been travelling in Ireland; but nothing had come to his knowledge that he deemed necessary to take action upon.

MR. J. W. PEASE, in consequence of what fell from the hon. Gentleman (Mr. Bellingham), asked the Chief Secretary whether he had received any Report from Ireland in any way complaining of the deputation from the miners of Durham and Northumberland in their tour through Ireland to investigate the state of the country; and, whether there had been anything in their conduct or speeches which tended in any way to promote a breach of the peace, or to encourage others to break the peace?

MR. MACDONALD inquired if the Chief Secretary could say that the deputation in Ireland to which reference had been made did represent the miners of either Durham or Northumberland, because he (Mr. Macdonald) was in a position to say they did not?

MR. W. E. FORSTER said, he could not be expected to settle the disputed question raised by the hon. Gentleman (Mr. Macdonald). He understood that these gentlemen stated that they were a deputation from the miners of Durham and Northumberland; but it had not been his business to inquire into their credentials. With regard to the Question of the hon. Gentleman (Mr. Pease), he had no official Report—in fact, he had no Report at all—of anything having been said or done by these gentlemen contrary to the public peace. Of course, it would not be expected that he should enter into any question as to the correctness of their statements, either

one way or the other; but he had had no information brought him to the effect that they had created any disturbance of the public peace.

MR. BURT said, he was closely connected with the miners' organizations in Durham and Northumberland, and he could state that no such deputation as that referred to was authorized to represent the miners of those counties.

#### SOUTH AFRICA—THE ORANGE FREE STATE — THE MURDER OF DR. BARBER.

SIR STAFFORD NORTHCOTE asked the Under Secretary of State for Foreign Affairs, Whether any result has yet been obtained from the communications addressed to the President of the Orange Free State with reference to the murder of Dr. Barber, and what course the Government are pursuing in order to obtain compensation for that gentleman's family?

SIR CHARLES W. DILKE: The documents referred to were laid on the Table yesterday. A telegram was sent to Sir Hercules Robinson yesterday, desiring him to urge upon the Boer leaders that compensation should be given to the orphan children of Dr. Barber.

#### ROYAL UNIVERSITY OF IRELAND—THE SCHEME OF THE SENATE.

MR. J. G. TALBOT asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to the Scheme of the Senate of the Royal University for Ireland, and to the unlimited number and high scale of prizes proposed for students in arts and professional schools; and, whether, before the said Scheme is sanctioned, Parliament will have any opportunity of expressing its opinion upon it?

MR. W. E. FORSTER, in reply, said, of course his attention had been called to this matter, and, in accordance with the provisions of the Act, the Scheme had been laid on the Table of the House. The University Act that was passed instructed the Senate to draw up a Scheme, and, on being communicated to the Lord Lieutenant, it was his duty to put it upon the Table of the House. There was no power given to the Senate to alter the Scheme, and no power given to the Government to propose alterations in it. Whatever was done about the Univer-

sity, must depend very much on the Estimates which would be submitted to Parliament. An opportunity would be given to the House to express their opinions; but he was not quite sure whether that would not be on a Bill brought in rather than on a Vote.

**ARMY ORGANIZATION—GENERAL ORDER No. 70, 1881—HISTORIC TITLES OF REGIMENTS.**

CAPTAIN AYLMER asked the Secretary of State for War, If his attention has been called to the General Order No. 70, of 1881, wherein it was ordered that the 7th Regiment should bear the title of "The Royal Fusiliers (City of London) Regiment," and the 8th Regiment the title of "The King's (Liverpool) Regiment," and to General Order No. 86 just issued, wherein it is ordered that in all correspondence these Regiments are to be described by the abbreviated titles "The Royal Fusiliers" and "The Liverpool Regiment," respectively; and, whether he can give any reason why the special favour granted to the 7th Regiment to use its historic title should be refused to the equally distinguished 8th Regiment?

MR. CHILDERS: I am really sorry that the hon. and gallant Member should think it necessary to trouble the House with so trivial a Question. The full titles of the two Regiments are the "Royal Fusiliers (City of London) Regiment," and the "King's (Liverpool) Regiment," and these fully and satisfactorily describe the characteristics of the two Regiments. But it would be mere red-tape to be obliged, in correspondence, to use the full titles which have been abbreviated for that purpose only to the "Royal Fusiliers," and the "Liverpool." Perhaps I may say that to call the latter the "King's" might lead to some confusion; and I trust that the House will not wish to interfere in such matters of mere official detail.

CAPTAIN AYLMER said, the subject of his Question was considered by no means trivial by many persons who had addressed letters to him with reference to it.

**PARLIAMENT—PUBLIC BUSINESS—URGENCY.**

MR. FAY asked the First Lord of the Treasury, Whether, having regard to

*Mr. W. E. Forster*

the daily increasing number of Amendments to the Irish Land Bill, and the advanced period of the Session, the time has not arrived for Her Majesty's Government to declare urgency on that measure?

MR. GLADSTONE: Without doubt, the greatest inconvenience has been caused to the House in many ways, particularly with respect to the important Notice dependent on the right hon. Baronet opposite (Sir Michael Hicks-Beach), by the unexpected prolongation of the proceedings in Committee on the Land Law (Ireland) Bill. At the same time, to resort to urgency is a very serious matter, in itself leading to a great deal of difference of opinion as to what may happen. I am inclined to hope still we may be able to get on without making any fresh demands on the time of the House. Certainly, at the present moment we do not intend to make any such fresh demand, though this Question does, I believe, express a feeling which exists, with too good reason, in the minds of many hon. Members.

**CENTRAL ASIA—ADVANCE OF RUSSIA.**

MR. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, If he will inquire by telegraph of the British agents in Northern Persia whether it is a fact, as stated by the Correspondent of the "Daily News," who is now a prisoner at Merv, that the Russians have not only occupied and annexed the whole of the Tekke Turcoman Country, including Askabad, but have also occupied Kuchan, in Persian Khorassan, a most important strategical position on the road to Meshed and Herat, and have extended their frontier along the Attrek Valley up to the Yegend, embracing Derghasa and Kelat, and passing close to Meshed; and, whether he will at the same time ask for and lay before this House exact information as to the extent of territory in that region now in the occupation of Russia, or alleged by the Russian authorities to be under their rule?

SIR CHARLES W. DILKE: The Foreign Office cannot communicate by telegraph with Meshed, so it is not possible to make the direct inquiry asked for; but the Agent at Meshed is in constant communication with Her Majesty's Minister at Teheran, through whom his Reports are received. Her

Majesty's Chargé d'Affaires has already been instructed to send home a map showing the boundaries of the recently annexed territory in the Akhal country for the Library of the House of Commons.

MR. ASHMEAD-BARTLETT complained that he had been unable to obtain an exact statement on this subject from the hon. Baronet. He would repeat the latter part of the Question early in next week; and if the hon. Baronet would not telegraph for information on this important question he should consider it his duty to bring the matter before the notice of the House in the only way which was now possible for private Members.

**SOUTH AFRICA — THE TRANSVAAL RISING—THE RESOLUTION OF SIR M. HICKS-BEACH.**

SIR MICHAEL HICKS-BEACH: Last week the Prime Minister intimated that, in the circumstances which then existed, he hoped the Transvaal debate might be taken on Monday next. May I now ask whether he is able to make any definite statement on the subject?

MR. GLADSTONE: I should reply to the right hon. Baronet with pain and almost with shame, were it not that he is as cognizant of the facts of the case as I am. It was not an unreasonable hope that we should have finished the Committee on the Land Law (Ireland) Bill during the present week. I still hope that we may be able to finish it by next week, though I cannot predict anything with confidence. The first moment that is at our disposal shall be given to the right hon. Baronet; but as a good many questions are still open, in which great interest is felt in more than one quarter of the House, it is possible that these questions may lead to a little prolongation of the debates. As many Friends of the right hon. Baronet may take part in the coming discussions, it is possible that an important influence may be introduced by consultation among his Friends as to the policy and expediency of prolonging the discussions. If we should be so happy as to finish the Committee by Wednesday next, Thursday will be at the disposal of the right hon. Baronet. The absolute necessities of the Public Service will compel us to ask for a further Vote on Account on Monday night. We shall propose to report Progress at a little earlier hour than usual,

perhaps a little before midnight, in order to submit the Vote to the House. Any time except the time occupied by the debate on the Transvaal will be given to Supply.

SIR MICHAEL HICKS-BEACH: With the indulgence of the House, I should like to say what course it appears to me to be necessary to take after the answer of the Prime Minister. What I am about to say I do not say at all by way of complaint against the Government. I am sensible, as we all are, of the difficult circumstances with which they have had to deal. But the answer of the right hon. Gentleman appears to me to leave the date at which this debate may take place in a state of most absolute uncertainty. Important questions still remain to be discussed in the Committee on the Land Law (Ireland) Bill, and I cannot conceive it at all probable that the Committee on the Bill will be concluded by the day named. Therefore, what the right hon. Gentleman has said appears to me to amount to an indefinite postponement of the Motion of which I have given Notice. I gave that Notice more than three months ago, in the hope that an early discussion might take place, and I have done my best to bring about that result. I think hon. Members will admit that the failure to bring on the debate has been due to no fault of mine. Unquestionably the delay, for which I do not wish to blame anyone, has prejudiced the Motion of which I have given Notice. After the middle of July it is almost impossible to obtain the definite judgment of a full House on a question of this importance. On the other hand, I am bound to say I should not be justified, after what has taken place within the last few days, in pressing the right hon. Gentleman to allow me to bring this Motion forward before the Committee on the Bill is concluded. Therefore, in the circumstances, looking also to the fact, which is a fact of undoubted importance, that we have reason to suppose the inquiry of the Royal Commissioners in the Transvaal will, before long, be concluded, and its results announced to the House, it is my intention to consult with those with whom I am in the habit of acting as to whether we shall not be able in some other way, and, perhaps, at a still later period of the Session, to bring on the debate, which I

SIR GEORGE CAMPBELL said, that the meaning of the word "reasonably" was very vague in England, and was probably much more so in Ireland, and therefore he hoped the word would not be adopted by the Committee. One of the worst form of grants was a loan which was not meant to be fully repaid, and he objected to the introduction of a word which carried with it the slightest doubt that the Land Commission were to be fully repaid for the advances made.

*Amendment agreed to.*

*Clause, as amended, agreed to.*

Clause 29 (Transfer of purchase powers of Board of Works to Land Commission) *agreed to.*

Clause 30 (Rule as to fixing percentages, purchase moneys, &c.) *agreed to.*

#### PART VI.

##### COURT AND LAND COMMISSION.

##### *Description of Court and Proceedings.*

Clause 31 (Court to mean civil bill court, s. 22).

*Amendment proposed,*

In page 20, line 18, insert as a new sub-section:—“(2.) Any proceedings which might be instituted before the Civil Bill Court may, at the election of the person taking such proceedings, be instituted before the Land Commission, and thereupon the Land Commission shall, as respects such proceedings, be deemed to be the Court.”—(*Mr. Attorney General for Ireland.*)

*Amendment agreed to.*

MR. BIGGAR said, that although the Government proposed by this clause that the Primary Court to deal with matters arising under the Bill should be the Civil Bill Court of the county where the matter requiring the cognizance of the Court arose, the highest authorities in Ireland, who had ample opportunities of forming a correct opinion upon the judgments of the Civil Bill Courts, were not satisfied that the County Court Judges were the best who could be selected for the purpose of acting with perfect impartiality between landlord and tenant. Indeed, it was supposed that, situated as they were socially, they might be disposed to look with rather more favour upon the landlord class than upon the tenants. He therefore proposed to associate with the County Court Judges two other persons

to be elected by the Parliamentary electors of the county, who should have power to decide cases that came before them, at the option of the Court, but subject to appeal to the Commissioners if it was not considered that the decision of the Primary Court was a just one.

*Amendment proposed,*

In page 20, line 18, after “arises,” insert “associated with and assisted by two persons elected by the Parliamentary electors of the county in which the property is situate of which the proceedings take cognizance.”—(*Mr. Biggar.*)

*Question proposed, “That those words be there inserted.”*

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he hoped the hon. Member for Cavan would not press this Amendment, which he could not accept on many grounds, but mainly because it was not possible for the Government to admit the principle that either County Court Judges, or their deputies, should be appointed at the instance of persons whose duty it was simply to take part in the election of their Representatives in Parliament, and not in the appointment of persons to judicial offices.

MR. BIGGAR said, the criticism of the right hon. and learned Gentleman was, to some extent, correct. The words of the Amendment did convey the idea that fresh tribunals were to be appointed, and he was disposed to amend it in that respect. His intention was that the two persons appointed by the electors should be permanent assistants to the County Court Judge, so far as cases to be decided in the county were concerned. To the extent he had mentioned, he thought there was weight in the argument of the Attorney General for Ireland, although he could not agree that there was any weight whatever in the rest of his argument against the Amendment. It was well known that a much greater expense was involved in settling a case in Dublin, than in settling it on the spot where the question arose. The expense in Dublin would be ruinous to the tenant. The fact remained that it was desirable that the cases should be tried in the County Court of the county in which the cause of action arose, and that being so, it had to be considered what was the best tribunal for impartially carrying the Act into operation. The County Court Judges would, of course, exercise great influence upon the associates, as

being learned in the law and competent to direct the attention of their colleagues to precedents bearing upon the cases before them. Still, he thought it advisable that they should be assisted by two men of local knowledge, who would be competent to decide upon matters of fact.

MR. HEALY said, he understood that out of the whole body of County Court Judges there were only three or four whose decisions would be received with satisfaction by the tenants. The question, therefore, properly arose as to whether the County Court Judges should not be associated with assistants. Again, looking at the pressure of business that would occur, he wished to know whether it was the intention of the Government to appoint assistant barristers for the purpose of getting over the difficulty?

MR. GLADSTONE: It would be extremely wrong in us to call upon the Committee to constitute a great number of officers absolutely for the purpose of meeting the rush of business which it is supposed will follow the passing of this Bill; but the Committee will see that we intend, when we come to deal with the constitution of the Court, to ask them to take some powers for the purpose. I will not discuss that now; but it appears to me that an elastic provision of the kind proposed is the only mode in which we can attempt to meet the rush of business which may take place. The House, having agreed to that proposal, will then have a certain opportunity, when the Estimates come round, of trying the whole question upon the Vote for the Salaries and Establishment of the Commission.

MR. MARUM called the attention of the hon. Member for Cavan to an Amendment on the Paper in the name of the hon. and learned Member for Dundalk (Mr. C. Russell), which he suggested the hon. Member should adopt in place of his own. For his own part, he made no insinuation of any kind against the integrity, education, or ability of the County Court Judges; nevertheless, he was bound to say that it was not generally considered that they would form a tribunal satisfactory to the tenants of Ireland. He would recommend the hon. Member for Cavan to withdraw his Amendment, and allow the question raised by him to be fully discussed on the Amendment of the hon. and learned Member for Dundalk?

MR. HEALY asked how many sub-Commissioners would be appointed?

MR. GLADSTONE: Our first duty will be to appoint Commissioners; and, with respect to that, the Committee will be parties. I do not propose to name the Commissioners until I have given fair notice to the Committee of the gentlemen we intend to appoint; but we can say nothing of the sub-Commissioners, except that they will be officers of the Commissioners.

MR. A. MOORE said, he thought that the probable effect of strengthening the Civil Bill Court by the association of assessors would be that the Court would be the means of settling a larger number of disputes. With regard to the question of introducing the elective element into the construction of the Courts, he thought the discussion on that subject had better be taken when they came to the appointment of sub-Commissioners.

MR. BIGGAR said, he had no intention of proposing to do away with the Civil Court. The Committee had agreed that it should constitute the Primary Court in the cases that would arise under this Act, and he said it was desirable that those cases should be tried in the locality where the cause of action arose, because that would save a great deal of expense to the tenants. In that respect he could not but regard the Amendment of the Attorney General for Ireland for the removal of the proceedings to the Land Commission, as a mischievous alteration. The question had arisen as to how the County Court Judges were to be assisted. He was not going to bring any wholesale charges against those gentlemen, who had all had considerable experience in the law before they were made County Court Judges, and the Committee might assume that they were persons of fair attainments in that respect. But as regarded agricultural affairs, the case was very different, and it was felt, as a matter of fact, that the County Court Judges alone would not be likely to constitute a tribunal that would be regarded with satisfaction by the tenants. Therefore, it was asked that they should be assisted by persons appointed by the electors of the county. In any case, there would have to be an appeal to the Commission, because no one could wish that the Court of First Instance should not be liable to have its decisions reviewed and, perhaps,

[Twenty-eighth Night.]



reversed by a Superior Court. But the great issue was whether or not it was desirable that the people interested should have confidence in the tribunal. He was disposed to the opinion that the electors of the county were the best judges of the kind of tribunal that would secure their confidence; and, therefore, he proposed that they should have the power of electing two persons to assist—not to supersede—the County Court Judges.

MR. O'CONNOR POWER said, he was not sure that the hon. Member for Cavan would be quite satisfied with the two assistants nominated in the way proposed by him. He believed that in Ulster and the Northern parts of Ireland, gentlemen would be nominated who represented the views and opinions of landlords, while the reverse would be the case in the other parts of Ireland. Now, as his idea of a Court was that it should consist of men who were rigidly impartial, he should be compelled to vote against these two assistants if the Amendment was pressed to a division. His opinion was that the Court should have the help of one person only as assessor, and that he should be a man practically acquainted with agriculture.

MR. BIGGAR said, that, contrary to the opinion of the hon. Member for Mayo (Mr. O'Connor Power), the people in the North of Ireland approved this Amendment in the tenant's interest. They were quite as much alive to their own interest as the tenants in the South, and they were also quite aware of the nature of the issue between themselves and the landlords. He had no doubt that the tenant's interest would get the preference from the electors in any of the counties of Ireland. In view, however, of the wishes expressed by his hon. Friends, he was willing to ask leave of the Committee to withdraw his Amendment.

*Amendment negatived.*

MR. SHAW said, in the absence of the hon. and learned Member for Dundalk (Mr. C. Russell), he begged to move the Amendment standing on the Paper in the name of the hon. and learned Member. In his opinion, the proposal of the hon. and learned Member was very worthy the attention of the Committee. He had a strong opinion that the County Court Judges would be incompetent to deal with many of the

questions that came before them; and although he understood that some of these gentlemen were jealous of having any other persons associated with them, for his own part he could see no reason why they should be so very sensitive upon that point. This Bill, so far from creating litigation, as had been suggested, ought to do away with it. There was no need that any attorneys should come near the Court at all, for the purpose of settling any of the questions which the Court could very well deal with without their aid. He thought it would be an easy and proper thing to associate with the County Court Judge one or two assistants to be nominated by the Land Commission as occasion might require, and therefore begged to move the Amendment to which he had referred.

*Amendment proposed,*

In page 20, leave out sub-section 4, and insert—"In all matters relating to the fixing of rent or ascertaining the value of a holding or tenancy, or the amount to be awarded as compensation for disturbance or for improvements, there shall be associated with the County Court Judge two persons to be nominated as occasion may require by the Land Commission, each of whom shall have equal voice with the said Judge in pronouncing the decision of the Court on the matters aforesaid."—(Mr. Shaw.)

MR. GLADSTONE: The authority of my hon. Friend who has just spoken, and that of the hon. and learned Member for Dundalk, are undoubtedly great; but I cannot help thinking that this Motion was put on the Paper before that of my right hon. and learned Friend near me, and at a time when there was no distinct declaration before the Committee of the views which have now been adopted with regard to the relations between the parties in the Civil Bill Courts. This plan appears to me to be rather in the nature of an alternative. But if we adopt this Amendment, we should be obliged, in the first place, to appoint a large additional number of Assistant Commissioners. If we had asked the Committee virtually to make the Civil Bill Court exclusively the Court of First Instance, then, I admit, that much might be said in favour of this proposal; but I am sure my hon. Friend will see that it would be a very nice operation to call upon the County Court Judges, who, I must say, discharged their duties under the Land Act of 1870 with considerable efficiency, to submit

*Mr. Biggar*

to a re-constitution of their Courts—a proposal which the most moderate self-love would object to. Under the circumstances, I hope the Amendment will not be pressed.

MR. O'CONNOR POWER said, the Prime Minister had twice reminded the Committee that the tenant might pass by the local Court and go to the Land Commission. Besides regarding this as an unfortunate arrangement, inasmuch as it would have the effect of diverting the energy of the Superior Court from matters of great importance, he did not think it supplied an adequate remedy for the defects intended to be removed by the Amendment before the Committee. He quite admitted the force of the Prime Minister's objection to neutralizing the County Court Judge by associating with him two other persons; and likewise the force of his objection to the creation of a large staff of officials to be kept in readiness for cases of emergency. But he thought that the first difficulty would be removed by associating only one person with the County Court Judge, as he had already suggested. He repeated his objection to having two persons associated with the County Court Judge. And, moreover, he objected to the Amendment on the further ground that it made no provision that the persons to be so associated should have practical knowledge of the matters upon which they were to give an opinion. The Committee were simply asked to affirm that the Land Commission should send down two persons, who, for anything expressed to the contrary, might be two persons who knew less of the matter in dispute than the County Court Judges themselves. For his own part, he would like to see the words "two persons" omitted from the Amendment, for the purpose of substituting "one person" who should have practical knowledge of the matters to be decided upon—namely, questions of fixing a fair rent, assessing the value of holdings, and the amounts to be awarded as compensation for disturbance and improvements. If the Committee would associate with the County Court Judge one such person having knowledge of these questions, he believed that a tribunal would be constituted whose decisions would at once be accepted, and which would do away with the necessity of going to the Land Court in Dublin. The question raised

by the Amendment would, in his opinion, be settled better in this way than by any other arrangement which had been suggested.

MAJOR O'BEIRNE supported the Amendment on the ground that if the County Court Judges were left without the aid of skilled agriculturists, the cases would constantly be referred to the Land Commission.

MR. SYNAN regarded the Commission appointed by this Bill as substantially a Court of Appeal, and the proposal in the Amendment as constituting a supplementary Commission. Their experience of the working of the Act of 1870 did not show that the County Court Judges had attracted to themselves the confidence of the tenant farmers of Ireland, and it was the object of this supplementary provision to strengthen the County Courts. The Prime Minister had objected to the Amendment, that if it were adopted a great many officials would have to be appointed; but he apprehended that if the Commission laid down proper rules, this would not be necessary. The Land Commission having the words of this Amendment before it, would require to have notice of every case that was to go before the County Court Judges, and it would then appoint one or two practical men to associate themselves with the County Court Judge for the purpose of settling the amount of rent and the value of the holding—two questions with which the County Court could not deal. He admitted there would be the question of expense; but, in his opinion, this would not be greater than if the County Court Judge were to appoint two Valuers, while the appointment of practical men would produce that confidence which, as the hon. Member for Cavan (Mr. Biggar) had pointed out, the County Courts had lost in the eyes of the tenant farmers. He held that the County Courts must be strengthened, in order to constitute a Court of First Instance that the tenant farmers would not pass by, and a Court of First Instance was absolutely necessary if the Commission was to do its work at all.

MR. ERRINGTON said, the Amendment was one which ought not to occupy the time of the Committee any longer, as it appeared to him that the arguments in support of it had lost all cogency since the adoption of the Amendment of the Attorney General for Ireland.

[*Twenty-eighth Night.*]

Mr. DALY said, that with regard to the action of the County Court Judges under the Act of 1870, there had been a great want of uniformity in their decisions. They had had experience of this in the district which he represented, and the result was that the confidence reposed in the judgments was not so great as it should be. It should be borne in mind, also, that a great loss of time would be brought about by the Commissioners having to travel from one place to another viewing the properties. He thought there ought to be somebody appointed in the capacity of Assessor to assist the Judge.

Mr. GLADSTONE: The sub-Commission will do that.

Mr. SHAW said, that with the permission of the Committee he would withdraw the Amendment, as the proposal of the Government had completely changed the aspect of affairs.

Mr. A. MOORE said, he should like to hear something from the Government in the direction which the Prime Minister had indicated when commenting on the speech of the last speaker (Mr. Shaw). As he understood the wording of the clause, the landlord and the tenant practically placed their property in the hands of the Court, and he hoped that that arrangement might succeed. But, as he understood it, the Court would be one of First Instance. When a man wanted his rent valued the Court of First Instance would be the sub-Commission which would go round the country, and there would be an appeal from that Court to the other.

Mr. BLAKE coincided with the hon. Member for Cork City (Mr. Daly) on the subject of the want of uniformity in the decisions of the County Court Judges. It arose, he believed, in a great measure from not having associated with them an expert on the subject of land, as many of them had little practical knowledge on that point. A suggestion had been made, which he considered was a good one, that they should associate with the County Court Judge an Assessor; but he would ask this—in the event of the Assessor and the County Court Judge disagreeing, how was a decision to be arrived at? The Prime Minister was plainly under the impression that it would be an easy matter to apply to the Commission; but, from his knowledge on the point, he could say that it was

likely to be very difficult. For 10 years he was a Commissioner of Fisheries, and in many of the cases which they had decided there had been an appeal from their decision. They had very often given away as much as £1,500 at a sitting in one way or another, and very often the interests of very poor people had been concerned. The appeals very frequently were to the Lord Lieutenant in Council; and though the parties very often considered themselves aggrieved by the decision of the Commissioners, yet, in consequence of the vast expense necessary in conducting appeals, the privilege was, in many cases, not availed of. In the first instance, the appellants had to travel up to Dublin. ["No, no!"] Well, if they did not they would have to appear by counsel. ["No!"] Surely they would, if they wished their case to be properly put, as counsel would be likely to be employed against them.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): The sub-Commission would hear them in the first instance.

Mr. BLAKE said, he was speaking of the Fisheries Commission, and he believed the cases to be analogous. He had seen people in the humblest classes appearing in person and pleading before the Lord Lieutenant and Privy Council, and that entailed enormous loss both in time and money, considering their humble circumstances. That was the reason why he pressed upon the Committee the desirability of making the Court of First Instance as perfect as they possibly could. He did not wish to say anything against the County Court Judges, because he believed that under the Act of 1870 their decisions had been very fair on the whole, with a few exceptions. They might, in some cases, have shown a want of judgment; but that was almost all that could be said against them. They had the power of employing an expert to give evidence at present; and the question now was whether Parliament would confer upon them the same privileges which they had at present, or whether they would associate with them such an officer as had been proposed. If they gave them equal powers, they should appoint, of course, an umpire, otherwise, in case of disagreeing in opinion, how was the difficulty to be settled? And if that umpire should be appointed, the Committee ought to know something as to how he was to be selected.

MR. GLADSTONE: The hon. Member (Mr. Shaw), finding that his proposal did not receive general support, has withdrawn it, and, surely, the matter should be allowed to rest here. If hon. Members have anything to propose they can do so at a later stage.

MR. HEALY said, that the Court was the kernel of the whole business. If it was unsatisfactory there would not be a single sale, nor transfer, nor a letting, which the local people would allow to take place, unless local opinion—that was, the opinion of the Land League—were satisfied. If these things were ratified by 100 Courts, unless they had the ratification of the Land League, the people would not allow them to take place. ["Oh, oh!"] Well, he would put it in this way—that these things would not be allowed to take place unless public opinion was satisfied—no man would otherwise take a farm, and no man would pay the rent. Unless the Government made some satisfactory statement as to the action of these Commissioners, they would find that they had really done nothing.

MR. GLADSTONE: The proper time to make that statement would be later on, when we come to the question directly bearing upon it. We have endeavoured to conceive the clause so as to give it the highest elasticity. The cases may be locally decided, either by the Civil Bill Court, the sub-Commission, or by the Commission itself, which would, in cases of sufficient gravity and importance, be able to visit the localities and decide locally.

Amendment, by leave, *withdrawn*.

MR. BRODRICK said, he had an Amendment on the Paper to provide that instead of one independent valuer, "one, or more," should be appointed. That proposal, it appeared to him, ran, in a certain sense, in the lines of the Amendment which had just been withdrawn. If the Bill passed in its present shape, where a local inquiry took place the decision might depend entirely on the view of one individual. It must be clear to anyone who knew anything of Ireland that it would be difficult to find a class of independent persons such as those contemplated in the Bill; and he should much prefer to see the Government adopt some plan for the appointment of a paid staff of independent men, who would save the Commission a great deal

of work, and would obviate the necessity of their having to depend upon the class of functionaries referred to in the clause. The Prime Minister had said that he did not want to widen the scope of the body to be appointed under the Bill; but this matter was not brought in question now, and all hon. Members, on whatever side of the House they sat, would agree with him that it would be a most dangerous and unsatisfactory thing if tenants in a certain district had a valuer who was accounted a "tenant's man," and therefore distrusted by the landlord, and if, in another district, they had a valuer who had the reputation of being a landlord's man. He thought it would certainly tend to the satisfaction of all concerned if the opinion placed before the Commission for their guidance was that, not of one individual, but of two independent men. Their opinions should not represent any one class, but should be the result of the judicial consideration of the interests involved on either side. He did not mean to say that one should be appointed for the tenant and one for the landlord; but where they thought it necessary on a difficult point to have the evidence of more than one independent person, the Commission should have power to appoint "one, or more." If amended as he proposed, he thought the clause would be more satisfactory, and it would be more likely to carry out the intentions of the Government.

Amendment proposed, in page 20, line 27, to leave out the word "an," and insert the words "one, or more."—(Mr. Brodrick.)

Question proposed, "That the word 'an' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think it would be wise for the Committee to adopt the suggestion of the hon. Member (Mr. Brodrick). The hon. Gentleman had said with truth that it would be a difficult thing to find a thoroughly independent valuer in the sense that a tribunal would use the words; but he was afraid that if it was difficult to find one independent valuer, it would be still more difficult to get "one, or more." Then there was this difficulty. If two persons were appointed to go round and examine the property, and then came back with their joint Report, the tribunal, whatever it was, either the

Civil Bill Court or the sub-Commission, would be more likely to give greater weight to the Reports than the Government contemplated. What the Government intended was that the valuers' Report should be taken as an opinion; but that it should be by no means regarded as binding the Court in its judgment. One valuer would occupy a much more subordinate position than would two if they were sent out together; and whilst the Report of one might not be accepted, it would be a very difficult thing for the Civil Bill Court or the sub-Commission to resist the Report of two. The sub-Commission could themselves visit the property and form an opinion. He did not think, however, as a matter of fact, that this power would be very often exercised by the sub-Commission.

MR. PLUNKET said, the proposition of his hon. Friend seemed to him a reasonable and practical one. In a case that was not of very great importance, where it did not seem necessary to employ the services of a valuer, the Commission need not appoint one. The clause was permissive. Unless some important question arose in regard to which it was desirable that they should have the opinion of a man accustomed to valuing, the Commissioners, in their discretion, might not think it desirable to appoint an expert. In important cases that might occur, his hon. Friend proposed that, in order to give greater effect to the Report, two valuers might be appointed.

MR. MARUM said, he fully appreciated the spirit of fair play which had been manifested by hon. Members who spoke with regard to the valuer; but it must not be forgotten that the landlord and the tenant would each of them have the power to bring forward a valuer. The question would only be one of expense. But the evidence which was now the subject of discussion would not be brought forward on the side of the Commission. True, it would be independent evidence; but it would have no more weight than the evidence of other valuers brought forward by the parties interested.

SIR JOSEPH M'KENNA said, the subject of value was not so difficult a one as some people appeared to imagine. The duty would not be the valuation of the land for the first time, but the revision of the valuation fixed by Sir Richard

Griffith. When Sir Richard Griffith carried out the valuation, he gave specific instructions to his valuers that such and such land, specifying the quality and character of it, should be treated in such and such a way, and the value arrived at by specific computations. What he (Sir Joseph M'Kenna) apprehended that the Commissioners would have to do would be to compare the condition of the holdings now with their former condition, and alter, where requisite, the value fixed by the former valuer. The original figures would be taken as the basis, or starting point he might better designate it, and there could be no difficulty in allowing the matter to be decided by an ordinary tribunal.

MR. BRODRICK said, the hon. Member for Kilkenny (Mr. Marum) had given the best argument for the acceptance of the proposal, because he said that the opinion of one valuer would carry less weight than the evidence brought up by the other side. And this was what he wanted to draw the attention of the Committee to particularly, because if the evidence of the Government valuer was to be borne down by hard swearing on the part of irresponsible persons his position would be almost untenable in the Court. He was assured that the best county surveyors and valuers could not be got to give evidence at all under the present system; and he trusted the right hon. Gentleman the Prime Minister would consider his suggestion from that point of view. It would nullify the whole intention of the clause if the valuers' opinion were to carry no more weight than that of independent witnesses who came into the matter on the one side or the other having no intimate knowledge of general valuation.

MR. MARUM said, that he had not intended for a moment to convey that which the hon. Member (Mr. Brodrick) attributed to him. What he had intended to point out was that the independent valuer would not have a higher position over and above the evidence of valuers brought forward either for the landlord or the tenant.

*Amendment negatived.*

*Amendment proposed,*

In page 20, line 34, insert as a new sub-section—  
“(6.) Where proceedings have been commenced in the Civil Bill Court, any party thereto may, within the prescribed period, apply to the Land

Commission to transfer such proceedings from the Civil Bill Court to the Land Commission; and thereupon the Land Commission may order the same to be transferred accordingly."—(Mr. Attorney General for Ireland.)

Amendment agreed to.

THE CHAIRMAN: The following Amendment stands on the Paper in the name of Mr. Givan:—Clause 31, page 20, at end of Clause, add—

"Provided that after a judicial rent has been first fixed, the Court shall not be at liberty to direct a valuer to make a report in relation to any subsequent determination of a judicial rent; but in fixing a judicial rent to take effect during any statutory term after the first statutory term, the Court shall have regard only to the just increase or diminution in the value of the holding arising from the altered prices of agricultural produce or capital expended by the landlord under agreement with the tenant."

That Amendment was, on Monday, the 4th of July, negatived in substance, and, therefore, cannot now be put.

Clause, as amended, agreed to.

Clause 32 (Incorporation of certain Provisions of the Landlord and Tenant (Ireland) Act, 1870).

MR. GREGORY said, he had an Amendment on the Paper, after the word "court," to insert "section twenty-four, relating to appeals from Civil Bill Court." Great pains had been taken in the Act of 1870 to constitute a strong Court of Appeal for the purposes of it, and he should be sorry to see it superseded. The Bill was to be carried out by the Land Commission, and there was only to be one Chief Commissioner and two other Commissioners, who would, if he read the Bill rightly, be put in the place of the Superior Judges of all the Courts of Judicature in Ireland. If that was the intention of the Government, and if they adhered to it, he did not suppose that anything that he could say would induce them to alter their decision. It might be part of their scheme, and, if so, he should not press his Amendment. But, at the same time, it was desirable that there should be some discussion on the matter. The existing Court of Appeal, he believed, carried out the intentions of Parliament when it was formed—namely, that it should be strong and satisfactory.

Amendment proposed,

In page 20, line 39, after "Court," insert "section twenty-four, relating to appeals from Civil Bill Court."—(Mr. Gregory.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there would be a more convenient season for discussing the question of appeals; but he might point out that the 24th section of the Land Act of 1870, which constituted a strong Court of Appeal, had itself been altered and superseded. They would simply be reviving an old provision if they were to reconstitute that Court.

MR. GIBSON said, the matter would not be clear even under the Amendment. It was true, as had been pointed out in the long debates of 1870, that in the drafting of the Act of that year very clear and very fully considered provisions were adopted for regulating appeals. Anyone who took up Clause 24 of the Land Act of 1870, which was now sought to be incorporated in the present Bill, would see from the language of the clause, and from the way in which it dealt with various topics, that the matter was gone into with far more detail and deliberation than was the case in regard to the present Bill. He had no sympathy with the Amendment; but he wished to indicate that he thought it would be reasonable, before they passed from this stage of the Bill, that the Government should satisfy themselves that they had given to the appellate tribunal, whatever it might be, all the powers and guidance that were laid down in Section 24 of the old Act. It was true, as stated by his right hon. and learned Friend opposite the Attorney General for Ireland, that the Court for Land Cases Reserved had been established, and that the Court provided by the Act of 1870 had gone; but then a very good substitute had been provided for it. They had substituted for it the highest Court—namely, the Court of Appeal in Ireland. And, more than that, the question of Appeals under the Land Act had been dealt with as recently as the year 1877. Under the Judicature Act, it was provided that it should be the right of the parties at their own election to have an appeal dealt with in the highest possible way. He did not see any provision like that in this Bill; but, no doubt, as the discussion would have to go very much into detail, the time for taking it in *extenso* would be on a later clause. He did not wish to discuss the matter now; but he

wished to indicate that the points that were left somewhat in doubt were these. The Committee had decided that they would keep to a voluntary Court of First Instance—that was, if the parties elected to have their cases decided by it—the County Court would be presided over by a Judge, a learned lawyer, and a man of position. Well, at present, he did not see to whom appeals from the decision of that individual were to go. Were the appeals to be to the sub-Commission, or to the Commission itself? If to the latter, it would, no doubt, be more satisfactory. He himself had an Amendment on the Paper declaring that sub-Commissions should not have delegated to them the power of hearing appeals.

MR. GREGORY said, he was satisfied with the discussion that had taken place, and would, with the permission of the Committee, withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. FINDLATER said, that, in the absence of the hon. and learned Gentleman (Mr. Litton), he would move the Amendment standing upon the Paper in his name. It was quite clear that new duties would be thrown upon the Civil Bill Courts by this Bill, and he had received several letters from gentlemen who occupied the position of Clerks of the Peace, and who had elected to practice under the provisions of the Act of 1877, saying that their practice would suffer greatly. Their time would be entirely occupied with these matters, and they would have no leisure to attend to their private business. There could be no possible harm attaching to the adoption of this Amendment.

Amendment proposed,

In page 21, after line 9, insert “section sixty-three, relating to additional salaries to judges and officers of Civil Bill Courts.”—(Mr. Findlater.)

Question proposed, “That those words be there inserted.”

MR. GLADSTONE: We are not disposed to accept this Amendment. When the Land Act of 1870 was passed we made a provision of the kind suggested, because it was certain that there would be an addition to the duties of these officials; but now the case is very different. We are going to set in motion a new and distinct agency, and we must not forget that since the Act of 1870 the

salaries of the County Court Judges have been raised. It would be our first duty, supposing that we found that an appreciable increase of duty does flow into the County Courts, to see that a reasonable arrangement is made. At present, my opinion is that while, under the new arrangement, there was a substantial addition to the salaries of these officials, the addition to their duties has been by no means serious. But if we found that there was a case for an addition to the salaries we should, of course, come to Parliament, either for an Act, or the question could be raised by a Vote on the annual Estimates. I would submit that the question is not at present in such a condition as would justify the Government in accepting this Amendment.

MR. GIBSON said, that the Amendment of his hon. Friend (Mr. Findlater) dealt with two classes of officers. With regard to Clerks of the Crown, they were divisible into two classes—namely, those who elected to give up their practice and forego their right to superannuation, and those who did not elect to take that step. The time for their selection had now passed; but it would only be reasonable to give those officers who had elected to continue their practice and forego the right to superannuation to have some further time to consider whether, under the new Act, they would not adopt a different course. The point was only a simple one; but a number of men of position were interested, and might be seriously affected.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the further time which the right hon. and learned Gentleman (Mr. Gibson) alluded to, and which he wished to have given to these officers to reconsider their decision, could only be afforded by an Act amending the Act of 1877—the County Officers and Courts Act. He (the Attorney General for Ireland) did not see his way to amending the clause as proposed. But the question would be for future examination; and if they saw that there was reason that the provision should be altered some steps would be taken in that direction.

MR. GIBSON said, there was a distinction as to County Court Judges. The right hon. and learned Gentleman the Attorney General for Ireland was familiar with the Act of 1877. Some of those Judges who had attained a considerable age had allowed the time for

*Mr. Gibson*

making the selection to pass, thinking that they would be well able to perform the duties that were then cast upon them; but he thought it would be only reasonable to enable those Judges who had served for a long period of time—to consider whether they would not now avail themselves of the terms of the Act of 1877. He quite agreed that the matter was one for the amendment of the Act of 1877, and did not arise upon the present Amendment; but it was a matter for the action of the Government, and not a matter for the action of a private Member. He thought, however, it was desirable to draw the attention of Her Majesty's Government to the subject.

Amendment, by leave, *withdrawn*.

Clause agreed to.

#### *Arbitration.*

Clause 33 (Reference to Arbitration).

DR. LYONS said, he had placed an Amendment to this clause on the Paper, the object of which was to enlarge, as much as possible, the system of arbitration throughout the country in all cases of dispute arising between landlord and tenant. Reference was made to the Act of 1870, and in that Act it was contemplated that all arbitrations should take place under the conditions laid down in the Schedule to that Act, which had in view operations through the Civil Bill Courts. Now, as they had conceded the principle of a direct reference in all cases to the Land Commission, he desired, if possible, to incorporate a system of arbitration independently through that Court, and he believed it would be the most simple and least expensive and the most expedient method for the settlement of disputes. His attention had been called to the fact that the proceedings of that Court were at one time common with all the Superior Courts—that the Court of Common Pleas, the Queen's Bench, and so on, were in the habit of directing individuals throughout the country to constitute temporary Courts of Assize. Those persons had power to examine witnesses, to view premises, and to make reports to the Court, which reports appeared to have been acted on in a large number of instances. His attention had been first called to this system some time ago by a very eminent and learned and most distinguished Judge, who was extremely

anxious that the people throughout the country should be discouraged from going into litigation, and that as free an access should be given to them as possible to a system of arbitration. He merely moved the Amendment by way of throwing out a suggestion to the right hon. and learned Gentleman the Attorney General for Ireland.

#### Amendment proposed,

In page 21, line 20, to insert new section—“(1.) Where a landlord and tenant agree to arbitration on any matter in dispute, they may send in a joint application in writing, on a form to be furnished by the Court gratis, and the Court shall issue a formal precept of assize to one or more persons, to be named by landlord and tenant respectively, and who shall have power to select an umpire, and the finding of said umpire and his said assistants shall be entered of record in the Court, and shall be binding upon the parties, as if it were a finding by the Court itself.”—(Dr. Lyons.)

Question proposed, “That this section be there inserted.”

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think that it was of advantage to accept this Amendment, because he did not see any substantial difference between the arbitration provided for in the Bill and that which the hon. Gentleman (Dr. Lyons) suggested. The Act of 1870 contained all the rules necessary for the appointment of arbitrators and officers, and, in fact, the whole machinery of that Act was followed. Arbitrators were fully provided for without going to the Court at all.

SIR WALTER B. BARTTELOT said, he would like to ask the right hon. and learned Gentleman the Attorney General for Ireland whether this provision in the Act of 1870 had ever been exercised, as he had distinct information from Ireland that it had never been made use of at all? If that information was accurate he would ask the right hon. and learned Gentleman to bring up an Arbitration Clause on Report, because, in his opinion, arbitration was a very proper thing to be adopted in the settlement of these disputes.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was aware that the Arbitration Clauses of the Act of 1870 had not been extensively availed of; but they had been resorted to in some very important cases. In one case that he knew, the rents of 1,000 tenants were revised. The terms

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made use of in the provision of the Act of 1870 were those which experience had shown to be the most satisfactory according to Common Law procedure. It was to be hoped that hereafter the clauses would be more extensively made use of.

DR. LYONS said, it had been stated that the arbitration could be carried on through the Land Court, and not through the Civil Bill Courts. He laid stress upon that, because according to the Act of 1870 the arbitration, in case of a dispute, was only to be through the Civil Bill Courts. It would be desirable for the right hon. and learned Gentleman the Attorney General for Ireland to take these things into his consideration, and, on Report, make the reference direct to the Land Commission, instead of rendering it necessary to go to the Civil Bill Courts.

SIR GEORGE CAMPBELL said, he had heard that the arbitration was to be conducted on a system similar to that upon which the Common Law Procedure Act arbitration took place in this country. That statement had given him some alarm, because if there was one thing more detestable than another it was to have to do with an arbitration case in England.

SIR JOSEPH M'KENNA said, he could assure the hon. Member (Sir George Campbell) that they were much more reasonable in these matters in Ireland than they were in England.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

*Appointment and Proceedings of Land Commission.*

Clause 34 (Constitution of Land Commission) *postponed*.

Clause 35 (Incorporation of Commission).

Amendment proposed,

In page 21, line 30, leave out "Commissioners," and insert the words "Land Commission."—(Mr. Attorney General for Ireland.)

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 36 (Appointment of Assistant Commissioners).

MR. GREGORY said, in the absence of the hon. Gentleman (Mr. Errington), he would propose the first Amendment which stood in his name.

THE CHAIRMAN: Order, order! The hon. Member (Mr. Errington) is in

his place, and, if he thinks it desirable, he can move the Amendment. He does not move it.

MR. GREGORY said, he would propose the Amendment himself.

Amendment proposed,

In page 21, line 40, after "Commissioners," insert "such Assistant Commissioners to consist of barristers and persons of knowledge and experience in the value and management of land."—(Mr. Gregory.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was afraid that the hon. Member did little justice to his own Profession in this specialization.

MR. LEWIS said, he could not help thinking that this subject was worthy of a little more consideration than had been given to it by the right hon. and learned Gentleman the Attorney General for Ireland. Let them consider what would be the position of the judicial tribunal immediately after the passing of this Act. The chief Commission would be charged with an administrative duty of a most important character. It would have to consider the question of emigration, the question of waste land, the question of the purchase of the property by tenants, and the general arrangement of the business affecting the land of Ireland. A large amount of that part of the duty of the Court which bore upon the fixing of the judicial rent would fall upon the Assistant Commissioners; and it was a matter of vast importance that the first decisions under the Bill should be well considered, and not be decisions that would unduly raise the hopes of the tenants and depreciate the wishes and rights of the landlords. It seemed to him to be a matter of vital importance that they should not leave a *carte blanche* to the Commissioners as to the qualifications of the Assistant Commissioners; and yet there was no rule whatever with regard to the qualifications of the Commissioners. No doubt, his hon. Friend (Mr. Gregory) had fallen into the trap prepared by the right hon. and learned Gentleman the Attorney General for Ireland, and had done despite to his own Profession by assuming that the only class that would be appointed would be barristers and agricultural experts. But the spirit of the matter was what his hon. Friend

*The Attorney General for Ireland*

wished to deal with; and what he wished to press upon Her Majesty's Government was the desirability of considering this matter very carefully before they launched this measure upon the people of Ireland. He certainly thought there should be some sort of qualification for the Assistant Commissioners pointed out in the Bill. In taking a common-sense view of the matter, they could not but believe that a large amount of business would have to be transacted by the Court—such an amount that it would be impossible for three members of the Court to dispose of it. The result would be that if there was no qualification pointed out in the different counties of Ireland different classes of people would be appointed—in one case barristers, in another case solicitors, in another case farmers, and in yet another case country gentlemen. Assistant Commissioners might be appointed from all ranks of the community. He had no disposition to prolong the debate, or to raise an unnecessary question; but he did think that the whole leverage of this Bill, its suitability to the disease that required remedy, its likelihood of being made acceptable to the community, and its acceptability to the landlords would depend, in the main, not only on the good standing of the persons appointed to act as sub-Commissioners, but on the Committee presenting some specific qualification that would be necessary in order to justify the appointment of this class of persons. He thought it was their duty to take a division upon this question, so that they might have some indication of the views of the Committee upon it.

Mr. GLADSTONE: I shall not quarrel with the spirit of the remarks of the hon. Gentleman (Mr. Lewis); but I hope that he will allow me to point out that the Committee has no option but to leave the selection to the responsibility of the Commissioners or the responsibility of the Executive Government. I can give the hon. Gentleman two reasons why we think that the House of Commons is not able to exercise any selection in this matter. If the matters to be settled by the Commission could be dealt with very easily, then I think there would be no difficulty in agreeing to the Amendment; but I must point out that these Assistant Commissioners will have to discharge a great variety of functions, and that, in all probability, it would lead to very

serious difficulties if you endeavoured to anticipate all the qualifications which would be required for the administration of this Bill. In the first place, the Assistant Commissioners would have to deal with the relations between landlord and tenant, and it would be most desirable that they should have some practical knowledge of the management of land. But that was only the beginning. In the next place, they would have to deal with the purchase of estates, and here a different class of qualifications would be requisite—namely, the knowledge possessed by land agents—persons engaged in the transfer of land. Then comes the question of reclamation of land, and here we should want not merely agricultural knowledge, but something in the nature of engineering and scientific knowledge. All these matters require a knowledge that is totally distinct from legal knowledge, and which must be possessed by those who would make good Assistant Commissioners. The hon. Member seems to assume that these Assistant Commissioners are all to join in the decisions of the Land Commission. But I take it that we should have a subdivision of labour, and that there are to be a great diversity of qualifications amongst them. These are the grounds upon which I hope the Committee will be satisfied to leave this matter to be dealt with in the manner provided by the clause.

Mr. ERRINGTON said, he had given Notice of an Amendment which had been moved by the hon. Member for East Sussex. As that Amendment was now, in his opinion, unnecessary, he trusted that the hon. Member would withdraw it.

Mr. GIBSON said, he looked upon this part of the Bill as being of supreme importance. By no previous Act of Parliament had such extensive powers ever been given to a Commission as those which would be given by the present Bill to the Commissioners, and far less had it ever been proposed that Commissioners should be able to delegate their important powers to an inferior tribunal. It was, therefore, not only right, but the absolute duty of the Committee, to criticize and examine with the utmost care every line of the present clause, because hon. Members would find the phraseology of the Bill so large that it was impossible to set any bounds to the

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jurisdiction of the Commission, or any limits to the powers which the Commissioners were authorized to delegate to the Assistant Commissioners. The right hon. Gentleman the Prime Minister had pointed out that it was necessary that the Assistant Commissioners should have a variety of qualifications, and the truth of that statement would commend itself to everyone who heard it; but that did not at all dispose of the Amendment, or of the objections to the clause in its present form. There was nothing in the clause to indicate to the Commissioners that they were to have regard to any special qualifications of the person to be appointed. He did not say that barristers alone should be appointed to the exclusion of solicitors, who, in many cases, might be able to do the work better than barristers. But surely it was right to indicate, at some point or other of the clause, the qualifications which should be possessed by the Assistant Commissioners. He ventured to say that would meet the great difficulty suggested by the Prime Minister. Again, he trusted that the Bill, before it left the Committee, would contain a provision that the doings of the Land Commission should be presented to Parliament in an annual Report. There was no Amendment on the Paper to that effect; and, therefore, he asked the Government within a reasonable time to prepare a clause which would give effect to his wish that the Commissioners should make an annual Report of their proceedings, containing in a Schedule the names of the parties appointed as Assistant Commissioners, as well as the duration of their appointments and the nature of their qualifications. There was another point which impressed him very much in connection with this clause—namely, the dependent position of these Assistant Commissioners. Unbounded power was given to them; but there was nothing, except, perhaps, the words “from time to time,” to indicate the length of their employment by the Commissioners. According to the clause, the Assistant Commissioner might be appointed for the job or for six months, or he might be appointed to revise the rental of a district or hear the appeals of a particular Session. It was to the last degree inconvenient, and calculated to excite uneasy feelings in the minds of persons intrusted with the control of property, to find themselves absolutely

dependent. Their equitable and judicial functions were immense, and the Government were sending them down without one atom of the protection which the whole history of our Constitution showed it was necessary to throw around everyone invested with judicial powers. He therefore trusted that the Government would furnish this protection in some other way than by merely saying that the Assistant Commissioners might be appointed from time to time. He thought that, in their Report, the Commission should state the names and qualifications of the Assistant Commissioners, and that some information should also be given therein as to the stability of their tenure of office. Looking at the drafting of the Bill, he was bound to say there was nothing in the clause to prevent the delegation of the right and power of appeal by the Commissioners to the Assistant Commissioners. He was certain that it was not the intention of the Government that those powers should be delegated, and therefore urged that the matter should be made clear before the Bill left the Committee.

MR. GLADSTONE: There has never been any intention that the Commissioners should have the power of delegating their power as a Court of Appeal to the Assistant Commissioners, although if a large development of business occurs it might be right that the sub-Commissioners should have the power of hearing appeals from the Assistant Commissioners. The right hon. and learned Gentleman desires that there should be a general description of the qualifications of the Assistant Commissioners, as an indication to the Commissioners and the Government. This appears to be reasonable, and my learned Friends will do their best to prepare words with that object. But I think it will not be possible to do so with mathematical precision, and therefore it may be necessary to add such words as “or otherwise.” It is undoubtedly right and necessary that the Commission should make regular Reports of its proceedings. I think I can improve on the suggestion of the right hon. and learned Gentleman that the names and qualifications of the Assistant Commissioners should be included in the Reports of the Commission. Without waiting for the annual Report, which would necessarily take some time in preparation, I think

*Mr. Gibson*

it would be desirable, as an improvement on the right hon. and learned Gentleman's suggestion, that the appointment of the Assistant Commissioners should be made known at once to Parliament. I have no objection to undertake that they and their qualifications should be made known to Parliament. There is a mode by which I think the Government could meet the views of the right hon. and learned Gentleman with regard to the dismissal of any Commissioner—namely, to take care that it be done in the most formal manner by Order in Council. I do not exclude any other suggestion that may be forthcoming; but one of the greatest Administrators ever known in this country—Sir James Graham—held that an Order in Council was a form which would stamp the affair with a character of gravity and importance which would at once bring home the responsibility to the Administration.

SIR WALTER B. BARTTELOT said, he thought the Prime Minister had made a statement which would be, on the whole, satisfactory to the Committee; but he was bound to say—and he believed the right hon. Gentleman would recognize the truth of the statement—that these Commissioners would have an enormous power in their hands—such a power as had never until then been given to any body of men of a like character. As it was necessary, both in the interest of the landlord and in the interest of the tenant, that absolute confidence should be reposed in them, he was glad to hear that the Prime Minister proposed that the requisite qualifications, so far as they could be put into an Act of Parliament, should be inserted in the present Bill. With regard to the appointment and removal of the Commissioners, he saw that the words as they now stood in the clause were—

"The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and remove Assistant Commissioners;"

and the right hon. Gentleman had merely said that the dismissal of any of them should take place by Order in Council. He wished to know for what period of time these appointments would be made, and on what principle their duration was to depend, because, as he understood it, it was not the regulation

of the appointments, but simply the dismissal of the Commissioners, that was to be effected by Order in Council—two things entirely different from each other. He trusted that the right hon. Gentleman would not only give some information on that point, but also that he would place before the Committee the number of appointments that would be made. He asked the right hon. Gentleman whether he could show any Act of Parliament authorizing an unlimited amount of money to be expended, which did not contain some provision for controlling that expenditure. The expenditure here was absolutely unlimited. They might have to pay for a number of Commissioners to administer what he would call the "landlord and tenant" portion of the Bill, besides Emigration Commissioners and Reclamation Commissioners, all appointed at the same time. He felt sure the right hon. Gentleman would look closely into the matter; but, in the meantime, the Committee knew nothing of the amount of money that would be expended. Again, if the appointments were not made for a certain time it would be impossible to obtain the services of good men; and, under those circumstances, it would be impossible that the sub-Commissioners should possess the confidence which ought to be placed in them. Again, it was said that one of the Assistant Commissioners would decide on technical points in the Provinces, and that then there might be an appeal. But if one Assistant Commissioner was to decide in the most difficult and delicate matters between landlord and tenant, and an appeal was then to be made to the Commissioners, he could not regard the arrangement as a very satisfactory one.

THE CHAIRMAN pointed out that the hon. and gallant Member was entering upon the discussion of subjects beyond that of the Amendment before the Committee. There were other Amendments on which those subjects might properly be discussed.

SIR R. ASSHETON CROSS inquired how the appointment of the sub-Commissioners was to be made. Were the sub-Commissioners to be ordinary Civil servants, and for how long would they be appointed?

MR. GLADSTONE: I wish the Committee to understand that I have been,

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and am, endeavouring to provide that patronage shall not be brought into unnecessary existence. With reference to the objection of the hon. and gallant Baronet (Sir Walter B. Barttelot), I am bound to say that it is the almost universal practice in Acts of Parliament to lay down in general terms, subject to the responsibility of the Treasury, the power of appointing the officers necessary for the carrying out of the Act. In the Endowed Schools Act, it is provided that the Commissioners of Her Majesty's Treasury, beyond the power assigned to the Commissioners, may allow them to employ such Assistant Commissioners' officers and clerks as the Commissioners of Her Majesty's Treasury may think proper. The Assistant Commissioners under the Endowed Schools Act have to exercise functions which excite as much jealousy as is likely to be roused in any other case.

MR. H. R. BRAND wished to say a few words with regard to the important announcement made by the Prime Minister that he was prepared to state some of the qualifications necessary for Assistant Commissioners. There was one qualification above all others absolutely essential. He quite admitted that the sub-Commissioners would have various and very heavy duties cast upon them, and among these would be the regulation of rent, and other delicate and intricate matters which, up to the present time, the landlord and tenant had arranged between themselves. Therefore, he trusted that the Government would take into consideration that one qualification which was absolutely necessary to be possessed by the Assistant Commissioners was a practical knowledge of surveying and the valuation of landed property.

LORD RANDOLPH CHURCHILL suggested to Her Majesty's Government the importance of freeing these appointments of all connection whatsoever with politics. He thought it should be enacted that for the space of a year, or some reasonable time from the date of the determination of the appointment, the person so appointed should not be capable of sitting in Parliament. Cases would have to be decided by the Assistant Commissioners which would, no doubt, excite the interest of the whole country side, and in which popular feeling would be, perhaps, largely in favour

of the tenant—the landlord's view of the question being represented by but a small number of individuals; and, under such circumstances, he was afraid that if the Parliament allowed the Assistant Commissioners to get into their heads the notion that they could achieve the amount of popular applause and confidence which had been referred to by some of the speakers in the course of the debate, it would be, to say the least of it, somewhat unfortunate, and he would therefore suggest that the appointments should be so made as that the Assistant Commissioners should be absolutely free from any taint of the kind, as also from any temptation to suppose that they might lay up a little store of political popularity which would later on be useful to them as candidates for seats in Parliament.

MR. LAING said, he felt confident that the success of this experiment which was proposed to be tried by Her Majesty's Government would depend mainly upon its being carried out, not by gentlemen who were barristers and nothing more, but by practical men who, if they added a knowledge of law to practical knowledge of the subjects with which the Bill proposed to deal, would have an advantage, perhaps, over men who did not possess their technical legal knowledge.

MR. H. H. FOWLER said, he hoped the Committee would not assent to the insertion in the clause of any Amendment which would fetter the hands of the Government in selecting men for the important offices of Assistant Commissioners. In saying this, he wished to say also that he did not think lawyers, no matter to which branch of the Profession they belonged, were the most fitting persons to fill the offices of Assistant Commissioners contemplated by the Bill. On the whole, he thought it would best to agree to the clause as it stood, leaving the selection of the Assistant Commissioners in the hands of the responsible Advisers of the Crown, who would, he was sure, discharge their responsibility in the best possible manner.

MR. MULHOLLAND said, he thought it a mistake to suppose that the Government of the day might be allowed to choose the sub-Commissioners with a feeling of certainty that the selections they might make would be the best. It would not be possible for those who

were most interested in the matter, if the clause were let pass in its present form, to foresee the class of men who would be appointed to the positions of Assistant Commissioners. They all knew what the Civil Bill Courts were, and they had also great confidence in the manner in which the Chief Commissioners would be appointed, for they would, without doubt, be gentlemen of such position and training that the interests of landowners and tenants would alike be safe in their hands; but, as far as the sub-Commissioners were concerned, they were in the air. Hon. Gentlemen opposite seemed to think that the chief function of the Assistant Commissioners would be the valuation of the lands; but he was quite sure that no satisfactory result could be hoped for unless a strong staff was attached to the Valuation Committee in Dublin, in order that greater uniformity might be got at in the decisions as to valuation. He was bound to admit the truth of the statement that there had been a want of uniformity in the decisions of the Civil Bill Courts; but that was owing to the fact that there had not been any special system of training, which should enable the Judges to form correct conclusions as to the value of land. Experts might be, and probably were, good and useful gentlemen to be called in to give evidence as to matters which they had made their special study; but he could not admit that they were likely to be the best judges in matters of this kind.

MR. GREGORY said, that, after the discussion which had taken place, he should be glad to withdraw the Amendment he had moved, with the explanation that his conduct, as far as this part of the Bill was concerned, had been in the nature of a self-denying ordinance.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved the insertion in the clause of words to provide that the dismissal should be "by Order in Council."

MR. BIGGAR said, he hoped the Government would not preclude themselves from the power of appointing Assistant Commissioners from time to time, who might be either re-appointed or replaced, as the higher authorities might think best, in the interest of the public service, so as not to saddle the country

with the cost of a large and, perhaps, owing to circumstances, useless number of public servants.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, a large discretion would be used in order to avoid the creation of a too large body of public servants.

MR. LEWIS said, he regarded this as a matter of great importance, and urged that, before the clause was allowed to pass, the Committee should ascertain what degree of non-permanence was to be allowed to remain in connection with these appointments. If it was intended that these appointments should be temporary, what, he should like to ask, was to prevent an Assistant Commissioner from fixing rents in view of a future election? This, he might say, was not an imaginary case, for it was well known that in the United States ex-Judges had not unfrequently claimed the votes of electors on the ground of the decisions they had themselves pronounced in a certain class of cases. Was it intended to say, he would ask further, to exclude the appointments of Commissioners for temporary purposes, and to say to gentlemen who accepted appointments to fix judicial rents that they were to be no longer employed after the particular business they had in hand had been completed? This would open the door to almost every conceivable kind and amount of jobbery; and he could not conceive that the Committee would be doing right in passing the present clause without first having a clear statement on the part of the Government as to what was to be the nature of the tenure of office enjoyed by the Assistant Commissioners.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the question which had been put, and the answer given, could not be held to justify the construction which had been put upon them by the hon. Member, the simple question being whether, if the removal was to be the result of a proceeding as solemn as the issuing of an Order in Council, that would not in itself stand in the way of a decrease in the number if more Assistant Commissioners were appointed than were really required. The answer to this was that the Assistant Commissioners would know on appointment that when so appointed they could be removed by an Order in Council; but

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this was by no means an extravagant statement, nor was it one that pointed to uncertainty in the tenure of their offices by gentlemen who might be appointed to Assistant Commissionerships.

MR. MITCHELL HENRY said, that, in his view, this clause was being disposed of in a manner which was not at all satisfactory, for the appointment of the Commissioners and the Assistant Commissioners was one of the most important features of the Bill. The principal duties of the Commission would, without doubt, be discharged by the Assistant Commissioners, who ought, therefore, to be appointed with the utmost care, unless it was intended that the Bill should be the means of continuing, instead of diminishing, the fearful amount of litigation which prevailed in Ireland. It was, no doubt, preferable that the Assistant Commissioners should be, at the outset, few in number; but it was equally important that their appointments should be permanent, and that they should not be removable except on the ground of misconduct. He must say that he could not but regard with regret the postponement of the clause, in which the Government proposed to make vital changes affecting the constitution of the Court, because that was connected closely with the appointment of the Assistant Commissioners. He could not help thinking that temporary appointments would be fatal to the Bill; and he, therefore, pressed the Government to say whether the Assistant Commissioners would be liable to summary dismissal when there was no more pressing work for them to do.

THE CHAIRMAN said, the hon. Member was wandering a little wide of the Question, which was—whether the words “by Order in Council,” should be introduced in the clause.

SIR R. ASSHETON CROSS said, that when a short time back he put a Question to the Prime Minister, he understood the answer of the right hon. Gentleman to mean that in order to secure permanency the removal from office should only be by Order in Council. If he was right in this impression, the intention would be more clearly expressed by introducing the words “or misconduct” into the clause. If it was intended to take power to get rid of the Assistant Commissioners in a few months by means of a mere Order in Council, he

could only say that, in his view, it was resorting to the use of a very grave machinery which ought only to be put in force for a very special purpose.

MR. W. E. FORSTER said, he did not think it would be wise to insert the words suggested by the right hon. Gentleman, because, if the removal of an Assistant Commissioners were rendered necessary for any reason, it would place the Commissioners in a difficulty. The first thing to be done would be to ascertain as nearly as possible how many Assistant Commissioners would be required, and it was known that the best men would not apply for appointments unless they had a prospect of permanence in their engagements. It would be exacting too much to say at the outset how many men would be required, and it would be equally unreasonable to urge that if the number required should be exceeded the Government should continue to employ men for whom they had in reality no work.

LORD RANDOLPH CHURCHILL said, the solemnity of an Order in Council was a little diminished when it was remembered that a few years ago a cow could not be bought without an Order in Council. Was it, he asked, the intention of the Government to appoint special Commissioners for a special purpose. Did they intend to appoint a special Commissioner in the same way that a barrister was often appointed to go on an Assize, and whose services came to an end when the Assize was concluded?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, they certainly did not intend to appoint Commissioners for special cases. They intended to appoint Commissioners for certain periods.

MR. GIBSON said, that the Prime Minister had intimated that he would introduce some such words as he (Mr. Gibson) had suggested—namely, that the Commissioners should have prescribed qualifications. He would venture to suggest that those words might be supplemented by adding that the Commissioners should hold office for a prescribed period. That would enable the Government to classify those who held office for a long period, those who held it for a less period, and those the duration of whose office the Government might like to make more prolonged.

What they objected to was the absolute uncertainty and precariousness of the tenure. He thought that there should be something to indicate that a gentleman who was to be appointed as a Commissioner should hold his office for sometime.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there would be no objection to consider the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin. There would be an annual Report, not only giving the names of the sub-Commissioners and their qualifications, but also their tenure of office. The Government would also undertake to present the names to Parliament. He thought that to adopt a particular form of words would only be to embarrass the Government; but, at the same time, he quite appreciated the desire to render the position of the sub-Commissioners less variable than it would be if they were at the mercy of any Administration who chose to dismiss them.

MR. WARTON said, he did not think the Government, and particularly the Attorney General for Ireland, were really conscious of the importance of the question under dispute. Every Constitutional lawyer would remember that perhaps the best result of all legislation in past ages had been to secure the permanence of the position of Judges. It was one of the differences between a Constitutional and a Despotie Monarchy that in the latter case the Judges were liable to dismissal on arbitrary grounds; whereas, in the former, they continued in office so long as they conducted themselves well. He thought it was of very great importance that those Judges now under discussion, who would have to discharge functions quite as difficult and quite as important as the Judges of this country, should hold a permanent office. It was a question of the very utmost importance, and not one to be dismissed lightly or carelessly. What he regretted so much to see in the tone of the Treasury Bench was that, after they had heard the arguments of the right hon. and learned Gentleman the Member for the University of Dublin put before them with that temperateness, moderation, and legal knowledge which always distinguished him, and after those observations had at last made a due impression on the minds of the Premier and of the Attorney General for Ireland,

that impression was dissipated, or nearly so, by the unusual questions of the hon. Member for Cavan (Mr. Biggar). It was the invariable course of the Government to listen to reason for a time, and then to listen to unreason when it came from the hon. Member for Cavan.

THE CHAIRMAN: Order, Order! I think the hon. and learned Gentleman is getting very general in his remarks.

MR. WARTON said, he would yield to the suggestion of the Chairman, because that was a matter of so much importance that he should be very sorry by any slip of his to lose the opportunity of saying what he felt bound to say. Without making any observations that were too general, he must point out that on that very Amendment they had had from the Treasury Bench two very different kinds of expressions. They had heard the Attorney General for Ireland with solemnity admitting the importance of the question, and they had heard him with levity answering the observations of the hon. Member for Cavan. It seemed to him that the common sense of the hon. Member for Galway (Mr. Mitchell Henry) had solved the difficulty of the question, which was, how were they to know how many Assistant Commissioners would be wanted? That was the secret excuse for any hesitation on the Treasury Bench. The hon. Member for Galway had asked—"Why should you not appoint a few at a time as they are wanted?" It was far better to have even a few appointed if their position was permanent than to have a greater number appointed if they were to be summarily dismissed. It was a matter of great importance that every one of those Judges should be permanent, because, if not, they would be subject to democratic intimidation. They had had it brought before them very distinctly, and the Government had taken no notice of it, that whatever the Courts might determine the Land League would review their decision.

MR. ARTHUR ARNOLD said, with reference to the remarks of the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross), that he had learned with regret the right hon. Gentleman's indifference to the public interests on that matter. He thought it must be clear to anyone who had attended to the general features of the Bill that under its operation within

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a period of five or ten years there would be a material change in the amount of business to be performed by the Court; and it was surely plain that if the Assistant Commissioners were appointed for a permanent office, at the end of five or ten years, as the case might be, they would have a claim for permanent endowment or compensation by the State on removal. He thought it was very much better to leave the words of the clause as they stood.

SIR R. ASSHETON CROSS said, he had been misunderstood by the hon. Member for Salford. He considered an appointment for five years was quite long enough provided it was fixed.

MR. P. MARTIN said, that in consequence of the remarks of the hon. Member for Salford he felt compelled to say a few words. He considered that no more grievous mischief could practically arise in the working of the measure than would be occasioned by the adoption of the suggestion that the tenure of the office of Assistant Commissioner was to be merely temporary, and not for a fixed period. No duty more delicate, or difficult, or which more demanded the exercise of the qualities of trustworthiness and intelligence, was ever imposed by statute on a body of gentlemen than that which by this Bill it was proposed to intrust to these Assistant Commissioners. The main burdens incident to the efficient working would have to be undertaken by them. They would be the persons who would have to go down, value the lands from personal inspection, ascertain what ought to be the fair rent, and, from oral statements, adjust the relations between landlord and tenant. The Chief Commissioners must necessarily act on the Report of their Assistants to a great extent. It was absolutely impossible that the Land Commission sitting at Dublin could discharge these functions. Let them look at what the Land Commission had to do under the Bill. They all saw the serious character of the duties imposed upon them, which would take up the entire of their time, if they were to be performed by three Commissioners with any efficiency. He endorsed every word that had been said by the hon. Member for Galway (Mr. Mitchell Henry), and also by Conservative Members on the other side of the House, that nothing could be more mischievous in the working of that Act

than to have Assistant Commissioners subject to influences of any character on the part of the tenant or of the landlord, or on the part of the Government. More especially, let him point out another practical matter which would result from the appointment of these gentlemen as Assistant Commissioners for very short and temporary periods. A great temptation would be presented that, in order to retain and continue in office, they would be disposed to create and encourage litigation or dispute. He did not mean to say that every officer would do so; but they should remove, as far as possible, this temptation to make work for themselves. He thought it would have been far better if they had had a smaller number of Assistant Commissioners, so long as their appointments were permanent. He asked the Committee very narrowly to scrutinize the clause, and not to allow it in any way to leave the Assistant Commissioners subjected to influences of any kind coming from any source. Personally, he should have considered it far better to have the Assistant Commissioners nominated during Her Majesty's pleasure, and only to be removed upon good ground being shown.

MR. RATHBONE said, he supposed it would be agreed by every Member of the Committee that it was of great importance that the Commissioners should have the entire confidence of the country. He wished to point out that the Inclosure Commissioners were appointed for five years, and surely the Assistant Commissioners were not of less importance, or had less difficult duties to discharge, than the Inclosure Commissioners.

MR. MAC IVER said, that he did not think even the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) entirely appreciated the importance of the Amendment. He wished not merely to support every word that had fallen from the hon. and learned Member for Kilkenny (Mr. P. Martin), but also to remind his right hon. Friend and the Committee that it was not unreasonable to regard the Assistant Commissioners in the light of Judges, and it was not unreasonable to look on every side and see what the effect of judicial appointments of a temporary character was. Everyone knew that the English Bar and the English Bench held the estimation and confidence

of the public in a way that was not equalled by any judicial body in the whole world; and he thought it would be the greatest possible misfortune if these Assistant Commissioners should be appointed for any temporary period. He considered that they ought to be in a position of absolute and entire independence, as the English Judges were. Unless that were done, he felt sure that the posts would be used for purposes of political jobbery, as was the case generally with temporary Government appointments in other countries.

*Amendment agreed to.*

MR. GIBSON moved to insert, after the word "Commissioners," the following words:—"Who shall have prescribed qualifications and hold office for a prescribed period." He said, he did not wish to press the Amendment if the Government would undertake to introduce some words on Report which would have the same effect. He would not pledge himself to the exact words; but it was not very easy, at a moment's notice, to present a better form of words. He wished to be quite clear that before the Bill became an Act of Parliament the clause should contain a reference to qualification, and also a reference to the tenure of the Commissioners. If the Government would introduce such words on Report he would not press the Amendment.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): We will accept the Amendment.

*Amendment agreed to.*

MR. BRODRICK moved to insert, after the previous Amendment, the words "and valuers of knowledge and experience in the value of land." He wished to put that point clearly, because it had been suggested that it would be impossible to leave to a local valuer the sole adjudication in those matters. He did not wish to clog the Commission with the duty of deciding between the vast body of valuers, and it seemed to him most important that there should be some final resort in the form of accredited valuers attached to the Commission.

MR. GLADSTONE: Undoubtedly, a knowledge of the value of land would be one of the qualifications for some portion, at least, of the Assistant Commissioners; but these words, if they

were added to the Bill, would lead to the conclusion that it is intended to employ a staff of official valuers who are to be valuers and nothing else. Well, I do not know, but I believe that it is extremely doubtful whether official valuers chosen by anyone in connection with the Government would, or ought to, attract confidence in them. I should consider it a most doubtful experiment.

MR. LEWIS said, he could understand the objection of the Prime Minister; but it seemed to him that there was some virtue still left in the Amendment of his hon. Friend. They knew that in all classes of cases that would come before the Court, there was nothing where there would be so much difference of opinion as with regard to the value of property. They would get six or eight valuers on one side, and six or eight on the other; and the North and South Poles would not be further apart, practically, than the values which would be estimated by one side and the other. What was the course commonly pursued in such cases? In many arbitration cases in England, the presiding Judge or arbitrator, after hearing both sides, would say that he would select an independent person to whom he would send the case for his opinion. Now, he knew the right hon. Gentleman the Prime Minister would say that that was exactly the power the Land Court would have, without reference to anything placed in the Bill; and he admitted that there were arguments which went to show that it would be better to have power to appoint Referees for specific cases, than to appoint a class of valuers who should adjudicate on all cases. But it seemed to him that there was still some virtue in the Amendment, and that it was necessary to have one or two official valuers of the highest possible standing, who should act as a kind of assessors with the Court.

MR. CALLAN said, he did not think there was any Amendment which would tend more to diminish confidence in the impartiality of the tribunals who were to decide these cases than the proposition which had just been made, and which had only been supported by the right hon. Gentleman the Member for South-West Lancashire. Who were the official valuers of Ireland? They were a class by themselves, who had been in existence for the last 40 years. They

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a period of five or ten years there would be a material change in the amount of business to be performed by the Court; and it was surely plain that if the Assistant Commissioners were appointed for a permanent office, at the end of five or ten years, as the case might be, they would have a claim for permanent endowment or compensation by the State on removal. He thought it was very much better to leave the words of the clause as they stood.

SIR R. ASSHETON CROSS said, he had been misunderstood by the hon. Member for Salford. He considered an appointment for five years was quite long enough provided it was fixed.

MR. P. MARTIN said, that in consequence of the remarks of the hon. Member for Salford he felt compelled to say a few words. He considered that no more grievous mischief could practically arise in the working of the measure than would be occasioned by the adoption of the suggestion that the tenure of the office of Assistant Commissioner was to be merely temporary, and not for a fixed period. No duty more delicate, or difficult, or which more demanded the exercise of the qualities of trustworthiness and intelligence, was ever imposed by statute on a body of gentlemen than that which by this Bill it was proposed to intrust to these Assistant Commissioners. The main burdens incident to the efficient working would have to be undertaken by them. They would be the persons who would have to go down, value the lands from personal inspection, ascertain what ought to be the fair rent, and, from oral statements, adjust the relations between landlord and tenant. The Chief Commissioners must necessarily act on the Report of their Assistants to a great extent. It was absolutely impossible that the Land Commission sitting at Dublin could discharge these functions. Let them look at what the Land Commission had to do under the Bill. They all saw the serious character of the duties imposed upon them, which would take up the entire of their time, if they were to be performed by three Commissioners with any efficiency. He endorsed every word that had been said by the hon. Member for Galway (Mr. Mitchell Henry), and also by Conservative Members on the other side of the House, that nothing could be more mischievous in the working of that Act

than to have Assistant Commissioners subject to influences of any character on the part of the tenant or of the landlord, or on the part of the Government. More especially, let him point out another practical matter which would result from the appointment of these gentlemen as Assistant Commissioners for very short and temporary periods. A great temptation would be presented that, in order to retain and continue in office, they would be disposed to create and encourage litigation or dispute. He did not mean to say that every officer would do so; but they should remove, as far as possible, this temptation to make work for themselves. He thought it would have been far better if they had had a smaller number of Assistant Commissioners, so long as their appointments were permanent. He asked the Committee very narrowly to scrutinize the clause, and not to allow it in any way to leave the Assistant Commissioners subjected to influences of any kind coming from any source. Personally, he should have considered it far better to have the Assistant Commissioners nominated during Her Majesty's pleasure, and only to be removed upon good ground being shown.

MR. RATHBONE said, he supposed it would be agreed by every Member of the Committee that it was of great importance that the Commissioners should have the entire confidence of the country. He wished to point out that the Inclosure Commissioners were appointed for five years, and surely the Assistant Commissioners were not of less importance, or had less difficult duties to discharge, than the Inclosure Commissioners.

MR. MAC IVER said, that he did not think even the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) entirely appreciated the importance of the Amendment. He wished not merely to support every word that had fallen from the hon. and learned Member for Kilkenny (Mr. P. Martin), but also to remind his right hon. Friend and the Committee that it was not unreasonable to regard the Assistant Commissioners in the light of Judges, and it was not unreasonable to look on every side and see what the effect of judicial appointments of a temporary character was. Everyone knew that the English Bar and the English Bench held the estimation and confidence

*Mr. Arthur Arnold*

proper one; but there would be great practical inconvenience in the attempt to define the powers of a sub-Commission by a series of rules to operate in a whole class of cases. It was quite possible that the Court might take a county or a group of cases to decide, while the sub-Commission would be detached for the purpose of going to a certain district, and there could not be a series of rules for each Sub-Commission—it must be guided by the class of cases. But he thought that the object would be met if they accepted the qualification that there would be always the power of appeal from the sub-Commission reserved.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 22, line 6, after "such," insert "of the."—(*Mr. Gibson.*)

Amendment *agreed to*.

Amendment proposed,

In page 22, line 6, after "powers," insert "except as to appeals by this Act conferred upon the Land Commission."—(*Mr. Gibson.*)

Amendment *agreed to*.

MR. HEALY asked would this be the time to make any statement as to whether any Vote would be included in the Estimates for this year?

MR. GLADSTONE said, he could only answer the question by saying that it was not intended to ask for a Vote this year.

Clause, as amended, *agreed to*.

Clause 37 (Quorum of Commission).

MR. GIBSON said, as the clause was now the appeal might be left with one Commissioner; but that power, he thought, should be exercised by more than one. In the Church Act it was provided that there should be three. With the exception of the appeal power let all the powers of the Commission be exercised by one Commissioner. He therefore proposed the following Amendment, in which he apprehended there would be no inconvenience in the drafting, as it was taken from the Church Act.

Amendment proposed,

In page 22, line 9, before "any," insert "all appeals to the Land Commission under this Act shall be heard by all three Commissioners sitting together, except in the case of

illness or unavoidable absence of any one member, when any appeal may, with the consent of the parties, be heard by two Commissioners sitting together, and save as aforesaid."—(*Mr. Gibson.*)

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the Government intended to provide that any one objecting to an order made by one Commissioner or sub-Commissioner should be at liberty to appeal to the Commissioners themselves, and to have the case heard by at least two Commissioners. That, he thought, would meet the whole case; and the proper time for introducing this provision would be when the 45th clause was reached.

MR. GREGORY asked, would there in all cases be an appeal from the sub-Commission to the Commission?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): Yes, certainly.

MR. GIBSON, on the understanding that the subject would be raised again, begged leave to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 22, line 10, after "Commission," insert "except the power of hearing appeals."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

The House suspended its Sitting at five minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### LAND LAW (IRELAND) BILL.

Progress *resumed*.

Clause 37 (Quorum of Commission).

Amendment proposed,

In page 22, line 11, to leave out from "by" to end of Clause, and insert "any Sub-Commission, with this qualification, that any person aggrieved by any order of one Commissioner, or by any order of a Sub-Commissioner, may require his case to be returned by at least two Commissioners, one of whom shall be the Judicial Commissioner."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

Clause, as amended, *agreed to*.

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were the employes of the landlord, and they had a natural sympathy with their employers, for whom they went down amongst the tenantry and raised the rents. There was no landlord who had raised his rents within the last 40 years who had not brought down an official valuer to re-value his estate. The very name of valuer stank in the nostrils of the Irish people. Whenever there had been a visit of a valuer to an Irish estate, it was sure to be followed by a raising of rent.

LORD JOHN MANNERS said, that the hon. Member who had just spoken had argued that the existing race of valuers were dependent on the landlords. It occurred to him, therefore, that the Amendment might have a tendency to diminish that objection, because valuers appointed under the Bill would no longer be dependent on the landlords, but would occupy an official status, and would be responsible only to the Government. It seemed to him that in proportion to the number of valuers they employed they might diminish the number of Assistant Commissioners.

MR. MULHOLLAND said, with reference to a previous statement made by him, that it had been called forth by what the Prime Minister himself said, when the right hon. Gentleman observed that it would be necessary to have some Assistant Commissioners who should be qualified to value land. As he was very anxious to limit the number of Commissioners, he had suggested that the point might be met by having some gentlemen as Commissioners who were technically acquainted with the value of land.

MR. DUCKHAM said, he thought the clause had really better remain as it was. Some very grievous mistakes had been made in England by valuers, and he thought it better to have local men called in by the Commissioners.

*Amendment negatived.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to insert, in page 22, line 5, after the words "Assistant Commissioners," the words "or of."

*Amendment agreed to.*

MR. GREGORY said, he wished to move an Amendment which would provide that the powers of the sub-Commission should be defined by the Com-

mission and approved by Parliament. The effect of the clause as it stood would be that the Commission might, in fact, delegate all its powers to the sub-Commission. There was no restriction; the words were perfectly general; they might delegate any powers they thought fit, and, of course, any powers might include all powers. As an instance of what might come of this, he referred to the Bankruptcy Act for England. Here the Judge had the same power which they gave to the Commission, to the extent of delegating the whole functions of the Court to the Registrars, and he had exercised it, so that, in fact, an appeal did not lie to the Judge in the London Court of Bankruptcy, but from one Registrar to another. He did not say such would be the case in the present instance; but it might be the effect of the clause; and when it was considered what enormous interests would come within the jurisdiction of the Commission, the power of dealing with the whole landed property of Ireland in adjudicating on the rights of landlord and tenant, the relations of mortgagers and mortgagees, and the expenditure of public money to an unlimited amount, it was well to decide what powers should be delegated to the sub-Commission. He ventured to suggest that the powers of the Commission should be modified and restricted, and his Amendment would provide that the delegation should be made by rules having the assent of the Lord Lieutenant, and that these rules should also be laid before Parliament. Then the House would know what was going on. He did not think the Amendment would militate against the Act—it would only prevent abuses that might be likely to arise.

*Amendment proposed,*

In page 22, line 5, leave out from "may," to end of Clause, and insert "by rules to be made from time to time, with the assent of the Lord Lieutenant, define the powers and duties of such sub-Commission, and such rules shall be laid before Parliament, if then sitting, forthwith, or, if Parliament be not sitting, then within three weeks after the meeting thereof."—(Mr. Gregory.)

*Question proposed, "That those words be there inserted."*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the object of the Amendment was a reasonable and

*Mr. Callan*

proper one; but there would be great practical inconvenience in the attempt to define the powers of a sub-Commission by a series of rules to operate in a whole class of cases. It was quite possible that the Court might take a county or a group of cases to decide, while the sub-Commission would be detached for the purpose of going to a certain district, and there could not be a series of rules for each Sub-Commission—it must be guided by the class of cases. But he thought that the object would be met if they accepted the qualification that there would be always the power of appeal from the sub-Commission reserved.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 22, line 6, after "such," insert "of the."—(*Mr. Gibson.*)

Amendment *agreed to*.

Amendment proposed,

In page 22, line 6, after "powers," insert "except as to appeals by this Act conferred upon the Land Commission."—(*Mr. Gibson.*)

Amendment *agreed to*.

MR. HEALY asked would this be the time to make any statement as to whether any Vote would be included in the Estimates for this year?

MR. GLADSTONE said, he could only answer the question by saying that it was not intended to ask for a Vote this year.

Clause, as amended, *agreed to*.

Clause 37 (Quorum of Commission).

MR. GIBSON said, as the clause was now the appeal might be left with one Commissioner; but that power, he thought, should be exercised by more than one. In the Church Act it was provided that there should be three. With the exception of the appeal power let all the powers of the Commission be exercised by one Commissioner. He therefore proposed the following Amendment, in which he apprehended there would be no inconvenience in the drafting, as it was taken from the Church Act.

Amendment proposed,

In page 22, line 9, before "any," insert "all appeals to the Land Commission under this Act shall be heard by all three Commissioners sitting together, except in the case of

illness or unavoidable absence of any one member, when any appeal may, with the consent of the parties, be heard by two Commissioners sitting together, and save as aforesaid."—(*Mr. Gibson.*)

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the Government intended to provide that any one objecting to an order made by one Commissioner or sub-Commissioner should be at liberty to appeal to the Commissioners themselves, and to have the case heard by at least two Commissioners. That, he thought, would meet the whole case; and the proper time for introducing this provision would be when the 45th clause was reached.

MR. GREGORY asked, would there in all cases be an appeal from the sub-Commission to the Commission?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): Yes, certainly.

MR. GIBSON, on the understanding that the subject would be raised again, begged leave to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 22, line 10, after "Commission," insert "except the power of hearing appeals."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

The House suspended its Sitting at five minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

# LAND LAW (IRELAND) BILL.

Progress *resumed*.

Clause 37 (Quorum of Commission).

Amendment proposed,

In page 22, line 11, to leave out from "by" to end of Clause, and insert "any Sub-Commission, with this qualification, that any person aggrieved by any order of one Commissioner, or by any order of a Sub-Commissioner, may require his case to be returned by at least two Commissioners, one of whom shall be the Judicial Commissioner."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

Clause, as amended, *agreed to*.

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[*Twenty-eighth Night.*]

Clause 38 (Appointment of Officers).

Amendment proposed,

In page 22, line 18, to insert the words "solicitor and a" before "secretary."—(Mr. Attorney General for Ireland.)

Amendment agreed to.

Clause, as amended, agreed to.

Clause 39 (Salaries of Commissioners).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 22, line 23, to insert, after "Commissioners," the words "other than the Judicial Commissioner."

MR. T. P. O'CONNOR supposed that the Judicial Commissioner was to be the Chairman of the Commission?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): No.

MR. HEALY: Do I understand that the salaries are to be fixed before the Bill leaves the House?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Certainly.

MR. GIBSON asked if the salaries of the President and the other Commissioners were the same?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): No.

MR. GIBSON: Perhaps the Attorney General for Ireland will be good enough to explain.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): We postpone that. We provide for the salary of the Judicial Commissioner. He is entitled to be a Judge of the Supreme Court. The other two Commissioners are not.

MR. LEWIS: This observation of the Attorney General for Ireland has suggested to me that this clause should not be dealt with until the 34th clause has been disposed of.

THE CHAIRMAN: The clause cannot be postponed until the Amendments are moved.

MR. LEWIS observed, that the Committee was placed in a very considerable difficulty, because they had not decided, and could not at present decide, what should be the status of the Commission; and, therefore, they could not say what should be the salary of the President of the Court. They ought to know what was the class of persons to be appointed as Commissioners, if the Committee was to make an alteration from £2,000 to £3,000 in their salaries.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): It would be quite impossible to do that now.

MR. R. N. FOWLER remarked, that the right hon. and learned Gentleman had made some alterations in the proposition, because he was about to propose that the salaries of each of the lay Commissioners was not to exceed £3,000 a-year, and there was an Amendment by the hon. and learned Member for Dundalk (Mr. C. Russell) to make it £5,000. Certainly, considering the immense powers that were to be given to these Commissioners, £2,000 seemed to be absurd.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I propose to make £2,000 into £3,000. That is the Amendment I intend to move shortly.

MR. GIBSON wished most distinctly to be understood as not criticizing the propriety of postponing Clause 34, nor as objecting to the Amendment of his right hon. and learned Friend. But a question was asked as to whether the judicial member of the Court was to be the President, and the right hon. and learned Gentleman said he was not. He was asked this question—Were the two other Commissioners, who were not to be, either of them, the President of the Court, to have a less salary than the Judicial Commissioner?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): It is not provided for in the Bill.

MR. T. P. O'CONNOR asked how the President of the Commission was to be appointed? For his part, he entirely objected to a Judge being necessarily the President of the Commission. They did not know who was to be the President, and the right hon. and learned Gentleman was about to ask them to fix his salary.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I am supposing a Judge who has the rank and salary of a Judge of the Supreme Court.

MR. WARTON protested against the extraordinary haste with which they were now going. This matter of salary ought to be postponed until after the 34th clause was passed. They had got a Judicial Commissioner in the 37th clause, and now they were about to fix his salary before he was appointed by the Act. It was perfectly clear that the

Judicial Commissioner, by virtue of his extra salary, whatever the Attorney General for Ireland might say now, would be the President of the Court, and that was implied by the Amendment. Then they must remember that there would be an appeal from one Commissioner, and this appeal would go to a Court where this Judicial Commissioner would be sitting.

MR. R. N. FOWLER asked if the right hon. and learned Gentleman would give the reason for fixing £3,000?

THE CHAIRMAN: We have not yet reached that Amendment. The Question is to insert "other than the Judicial Commissioner" after "Commissioners."

*Amendment agreed to.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I propose now, in page 22, line 24, to leave out "two" and insert "three." The hon. Member (Mr. R. N. Fowler) has asked me the reason for fixing £3,000. [Mr. R. N. FOWLER: As against £4,000 or £5,000.] We think it sufficient, and we do not wish to give more than is required.

*Amendment agreed to.*

MR. ERRINGTON moved, in page 22, line 25, after "Commissioners," to insert "one thousand pounds a-year, and to the." He had had an Amendment down to enlarge the salaries of the first Commissioners. He did not know what the Government thought of fixing the salaries of the Assistant Commissioners.

*Amendment proposed,*

In page 22, line 25, after "Commissioners," insert "one thousand pounds a-year, and to the."—(Mr. Errington.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I think it much better to leave the appointment and the salaries of the Assistant Commissioners, who will be of various grades, to the Executive under the control of Parliament.

MR. HEALY asked if the Assistant Commissioners were to get one salary, or to be fixed according to what they did?

MR. ERRINGTON said, his desire was to secure a sufficient salary to the Assistant Commissioners.

MR. HEALY said, he thought it was desirable to have inserted "not exceeding" a certain amount.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): The money must be voted by this House, and the salaries will all be brought under the review of the House.

MR. LEWIS said, he did not know, before the Attorney General for Ireland had mentioned it, that the Assistant Commissioners might have salaries according to various qualifications. There was another objection to the very wide discretion given to these Assistant Commissioners. If they had some indication as to the views of the Government with reference to salaries, they might understand what were the class of persons they would seek to appoint. They ought to have some sort of indication of the salary.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I think that I cannot give the indication of salary. It must be left to the discretion of the Executive, on their own responsibility, to fix such moderate salaries as the exigencies of the case may require. It is undesirable to have a hard-and-fast line. After all, the matter is entirely under the control of the House.

MR. HEALY said, he scarcely thought that it was entirely under the control of the House; and for this reason, that there had never been an instance of a salary being cut down by the House. They had to bear this in mind, that it put a whole lot of patronage not merely in the hands of the Government, but of Dublin Castle, and the favourites would get the tit-bits, and those who were not in such good odour would get the worst jobs. The whole thing would be in the hands of Dublin Castle, and it would have passed out of the control of Parliament. They knew that it would be on the Estimate. But what would happen? Perhaps the Prime Minister, on Monday next, would ask the Secretary to the Treasury to take a Vote on Account, which would include the salaries of the Commissioners; and a month afterwards, when the exact item came up, it would be at 2 or 3 o'clock in the morning, when the general body of the House would be away. This was a matter for consideration. They viewed everything with suspicion that took place in Dublin Castle. They knew that in for-



mer days it was a hot-bed of corruption, and, at the present time, it was a place that they required to watch; and he thought that when matters affecting salaries came before the House they should insist upon a sum not exceeding so much being placed in the Bill. Unless they did that, they would place the whole matter in the hands of the Government. He should, therefore, move later to insert the amount in the clause.

MR. ERRINGTON said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. PLUNKET (for Mr. GIBSON) moved, in page 22, line 27, after "determine," to insert—

"The salaries of the Commissioners shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof; such salaries shall grow due from day to day, but shall be payable to the persons entitled thereto, or to their executors or administrators, on the usual quarterly day of payment, or at such other periods in every year as the Treasury may from time to time determine."

The object of his Amendment was that the salaries of the Commissioners should be charged on the Consolidated Fund. He wished to call the attention of the Committee to this—that, as far as regarded that Commissioner, who was to be a legal and judicial person, his salary would be charged on the Consolidated Fund, for that was the practice of the law in such cases. In the case of high judicial persons, in every reform that had taken place, now for a long time that principle had always been adhered to. It had been considered in the interests of the community that any person who had to exercise a high judicial office should have the salary secured on the Consolidated Fund, and that his salary should not be a question to be raised every year on the Estimates whenever they came to be passed. What he wanted to ask was this—were not the other Commissioners included in this Commission not practically and really judicial persons exercising high judicial functions. They had heard that one of these Commissioners, who was to be a Judge, and might become a President of the Supreme Court, was to be President, except so far as his brother Commissioners might choose to give him a certain conceded precedence. But his brother Commissioners were to have the right and power to exercise all judicial

functions quite as much as the judicial person who was separated from them by the description, but not separated in any way by the authority which he would have.

THE CHAIRMAN: I must point out to the right hon. and learned Gentleman that this Motion proposes to pay the salaries out of the Consolidated Fund of Great Britain and Ireland. Moneys voted by Parliament cannot be moved except on the recommendation of one of the Ministers of the Crown.

MR. PLUNKET: Of course I bow to your decision.

Amendment, by leave, *withdrawn*.

MR. HEALY moved an Amendment in page 22, line 27, after the word "determine," to insert these words—

"The salaries of such Assistant Commissioners as well as the other officers shall in no case exceed one thousand five hundred pounds."

The Attorney General for Ireland had given them no statement in the matter. The salaries as fixed for the Commissioners was £3,000 per annum, and he thought that it was necessary to put in the Bill that the salaries of the several officers should in no case exceed the half of that.

MR. WARTON said, there was no such terms to be found in the Bill as "sub-Commissioner." The term was "Assistant Commissioner." A "sub-Commission" was mentioned, but not a "sub-Commissioner."

THE CHAIRMAN: The word "solicitor" is also mentioned.

MR. HEALY said, the word "solicitor" had been inserted in the Bill. The Amendment was, after the word "determine," to add—

"And the salaries of such Assistant Commissioners, solicitor, or other officers, shall in no case exceed one thousand five hundred pounds per annum."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he hoped the hon. Member would not press this Amendment. The solicitor, and secretary, and all the other officers were to be appointed by the Commissioners; and £1,500 a-year would be too much for most, if not all, of those officials who were to be appointed. If an Act of Parliament stated that a salary was not to exceed a certain amount, that amount usually became the minimum as well as the maximum.

*Mr. Healy*

Mr. HEALY said, he would not press the Amendment; but would ask leave to withdraw it.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 22, line 29, leave out "Commissioners," and insert "Land Commission."—(Mr. Attorney General for Ireland.)

Amendment *agreed to*.

On Question, "That the Clause, as amended, stand part of the Bill?"

Mr. PLUNKET said, he should like to know if he could now raise the question to which he had already referred. He wished to call the attention of the Committee to the inconvenience and inconsistency in making a difference in the salaries of the Commissioners who were to be colleagues and equals. He was not in a position to put it more fairly; but he hoped the right hon. and learned Gentleman the Attorney General for Ireland would call the attention of the Prime Minister to the matter.

Mr. MITCHELL HENRY said, he thought the right hon. and learned Gentleman opposite (Mr. Plunket) was under a mistake in supposing that the Commissioners were to be equal, because an Amendment had been placed on the Paper to-day which showed that they were to be totally unequal. That showed the great inconvenience of voting salaries for this Commission before they had determined the status and position of the Commissioners. He did not think such a case could ever have occurred in Parliament before. In this matter he was obliged to refer to a former clause, and the truth was that one of these Commissioners was to remain in the position in which they were assured that all the Commissioners were to be in when the Bill was introduced—that was to say, that he was to be a permanent official. The right hon. and learned Gentleman the Attorney General for Ireland very fairly said that he assumed the Commissioners to be of equal rank; but it was clear that they were not to be, for two of them were to be appointed for only seven years.

THE CHAIRMAN: I must point out to the hon. Member that that is not the point we are now upon.

Mr. MITCHELL HENRY said, they were discussing the question of salaries,

and it was impossible for the Committee to form an opinion as to the salaries of the different Commissioners unless they knew what their status was to be. If some were to be inferior to others, he agreed that their salaries should be smaller; but that had not yet been determined. He would not, however, press the question, beyond saying that this was a most serious change that had been made, and he foresaw that a serious difficulty would spring up if the change was persisted in. They were told that all the Commissioners were to be of the highest character and position; but that was certainly not the case, as one was to be paid a higher salary than the others. He did not think the Committee ought to allow the clause to pass without being told what was the position of these officials.

Mr. W. E. FORSTER: That question will come on later. The question now is whether one of the Commissioners is to have a higher salary.

Mr. GREGORY said, they were now on Clause 39, which provided that all the expenses should be paid out of monies provided by Parliament. The question was whether this was a proper mode of paying persons who exercised judicial functions.

THE CHAIRMAN: We cannot make a charge upon the Consolidated Fund without a special Resolution of the House.

Mr. GREGORY said, he was objecting to the proposal to provide, by an annual Parliamentary Vote, for the salary of a person who was exercising judicial functions.

Mr. W. E. FORSTER: I rise to Order. The hon. Member (Mr. Gregory) was not present when this question was—

Mr. HEALY: I rise to Order. What is the point of Order the right hon. Gentleman (Mr. W. E. Forster) wishes to raise?

Mr. W. E. FORSTER: The right hon. and learned Gentleman opposite (Mr. Plunket) wished to move an Amendment upon this question; but the Chairman ruled that he could not do so.

Mr. GREGORY said, that what he contended for was that a person exercising judicial functions ought to be paid independently of Parliament, and that was the principle on which they dealt with all existing judicial offices, the

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salaries being charged upon the Consolidated Fund. This was an exception to the general principle, and an exception which, he ventured to think, was in the wrong direction. He did not propose any other mode of payment at present; but he certainly thought that that which was proposed was not the right mode.

MR. GIBSON said, the Question was "That the Clause, as amended, should stand part of the Bill;" and, therefore, an Amendment could not now be moved. But, on Report, having regard to what had taken place, and knowing now what they did know as to the intentions of the Government, they might bring up an Amendment. The Chairman had ruled that an Amendment which stood on the Paper in his (Mr. Gibson's) name was out of Order, and he had anticipated that that might be so; but he had put it down in order to direct the attention of the Government to the question. It was a matter which he thought it would be well to consider on Report, as it was desirable, whatever they did, to preserve the independence of the Commissioners. They had already secured the independence of the legal member of the Commission in a proper way, and it seemed to him that it would be desirable to have some security for a like independence of the other Commissioners.

MR. ARTHUR ARNOLD said, he did not understand that the Judicial Commissioner would stand in any peculiar position. Like the Railway Commissioners, he understood that each of the Commissioners would be entitled to £3,000 a-year, and that the Judicial Commissioner, as a Judge, would stand in quite another category.

MR. MITCHELL HENRY said, it was not wise that this thing should be wrapped up in this ambiguity. The Commissioner was not to be a Judge. It was a most unfortunate practice for the Government to put down a clause fixing the status of the Commissioners, to give Notice of Amendments to that clause, and then to postpone the whole thing, refusing the Committee liberty of discussing it. The Commissioner would not be a Judge; but he was to be a barrister of 10 years' standing.

THE CHAIRMAN: The Committee have already decided that Clause 34

shall be postponed. It is not, therefore, competent for the hon. Gentleman to discuss it.

MR. MITCHELL HENRY said, it was competent for him to discuss the salaries. The Question was that the clause should pass, and it referred to the salaries of the Commissioners.

THE CHAIRMAN: But the words which the hon. Member refers to in that clause have been passed. This refers to the Commissioners other than the Judicial Commissioner.

MR. MITCHELL HENRY said, he objected then to the proceeding—he objected to something which looked exceedingly wrong. He would ask the Committee to look at the Bill. It was introduced in a particular way, and then the real working clause upon which everything hung was postponed. That was not the way in which an Act of Parliament of this importance ought to be discussed. He had not the slightest objection in the world to the Commissioners receiving £3,000 or even £5,000 a-year; but what he wished to secure was that which was on the face of the Bill—namely, that the Commissioners should be equal in status. He wished to secure that they should have equal salaries; and if that proposal was not adopted he did not think the measure would prove satisfactory.

MR. W. E. FORSTER: If the hon. Member (Mr. Mitchell Henry) considers these matters important, he can go into them when we come to the clause that has been postponed. I am sorry that what he has objected to has been done in his absence.

MR. WARTON said, that although the words "other than" were required in line 23, it was equally the fact that they were wanted in line 28. That only showed what they came to when they went too fast. They were proceeding with these clauses with the most indecent haste, and were landing themselves into absurdities which by-and-bye they would have to pay for. The Chairman had ruled that the right hon. and learned Gentleman the Member for the University of Dublin could not put his Amendment as to the proper way of paying the Judges; yet the Committee must remember that it was in their power to record their opinion by refusing to pass the clause. If the Committee took that course, Her Ma-

*Mr. Gregory*

jesty's Government would soon bring up a proper proposal.

MR. T. P. O'CONNOR said, he could not agree with the hon. and learned Member (Mr. Warton) that they were proceeding too fast. In fact, he was of opinion that for some days they had been proceeding much too slowly. ["Hear, hear!"] He was extremely glad that at last he had been able to say something with which the right hon. and learned Gentleman the Attorney General for Ireland could agree. With regard to what had been said in this discussion a few minutes before 1 o'clock that morning, he had asked the right hon. and learned Gentleman the Attorney General for Ireland—he had asked whether or not the Judge would have precedence of the other Commissioners. He did not know whether he rightly interpreted the motives which actuated the hon. Member for the County of Galway (Mr. Mitchell Henry); but it seemed to him that for some reason or other the hon. Member objected to there being an inequality in the rank of the Commissioners. Well, he (Mr. T. P. O'Connor) strongly objected to there being any difference in rank; and, if there was any difference in rank, he thought that the last person to whom they should give precedence should be the Judge. If the hon. Member for the County of Galway would move an Amendment to the clause he should be very happy to support him.

THE CHAIRMAN: We have passed the point at which the clause can be amended.

MR. T. P. O'CONNOR said, he did not know whether it would be worth while to bring up a new clause on Report on this matter; but the hon. Member opposite (Mr. Mitchell Henry) was quite right in contending that equality in the position of the Commissioners should be measured by equality in their salaries.

MR. HEALY wanted to know if it was intended that the Judicial Commissioner should receive a less salary than the other members of the Commission?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had already answered that question. The Judicial Commissioner was to be a member of the Supreme Court with the rank and salary of a Judge.

MR. HEALY said, he was glad that the hon. Member for the County of Galway (Mr. Mitchell Henry) had stuck to this matter with such pertinacity. The Judicial Commissioner would certainly have the highest status, because he would be learned in the law, and he would have on that account in the Court a status which the other Commissioners would not possess. He did not object to this functionary having the salary of £3,500, but he thought that the other Commissioners should be paid an equal amount. If this matter were brought up on Report he was sure that the hon. Member for the County of Galway would receive support. Although the Judge would be a barrister of 10 years' standing and learned in the law, the other Commissioners, it was to be hoped, would have some learning on the Land Question. Therefore, they might be equal, in point of learning and of real utility, as Land Commissioners.

MR. BIGGAR said, he thought that it would only be right that Parliament should have control over the salaries of the Commissioners, because if there was any fault to find with them it would be easy to bring their conduct under criticism in the House.

Clause, as amended, *agreed to*.

Clause 40 (Powers of Commission).

MR. PLUNKET said, he had placed in the hands of the Chairman an Amendment which proposed to strike out the first paragraph of the clause. He wished to ascertain what was the object and intention of Her Majesty's Government in inserting that paragraph. He must say, as far as he understood the matter, it would place the Judges of the Chancery Division of the High Court in rather an ambiguous position. The case stood thus—the Land Commission was to be composed of three Commissioners, according to the terms of the Bill. One of those was to be supreme Judge, who would act with equal rank with one of the Judges of the High Court of Justice. Why, then, was he or any of his colleagues to transfer any case which came before them to the Chancery Division of the High Court? The next paragraph went on to say—

"The Land Commission shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this Act, and they shall not

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be subject to be restrained in the execution of their powers under this Act by the order of any Court, nor shall any proceedings before them be removed by *certiorari* into any Court."

Why, then, were they to have the power of handing over part of their duty to another Court of an equal authority and dignity to themselves to entertain and decide for them? He did not understand on what principle it was proposed to treat the Chancery Division of the High Court as if it was subservient to the business of the Land Commission. They did not know yet what the matters were that were to be referred to the Court.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it was intended that they might have a Land Court for investigating titles or for buying and selling. It might be very convenient that the Commission should have power to refer such matters to the Land Court in case they were overburdened or did not feel competent to do this especial work. He did not think there would be any practical difficulty in the reference to the Land Judges.

MR. GIBSON said, he thought the question was not at all so simple as his right hon. and learned Friend suggested, and he could see difficulties of two or three kinds. Was it intended that an Assistant Commissioner should have the power to send to the Landed Estates Court for determination any matter that occurred to him? If not, there was not a syllable in the Act to prevent his doing so, for the powers of the Commission were to be delegated to a single Assistant Commissioner, and his right to avail himself of the Landed Estates Court was left absolutely untouched. He was sure that could not be the intention of the Government, and he would therefore suggest to his right hon. and learned Friend before Report to make that point plain, so that it should be clear that only the Commission, sitting in a judicial capacity, should have the power to evoke the judicial aid of another great Court. There must also be something more definite than "any matter" to indicate what class of business was to be dealt with by the Commission; and it would not be fair that the Commission should take only the easy cases and leave the hard cases to be worked out by the Landed Estates Court. Then, again, where were the appeals from

*Mr. Plunket*

the decisions of the Land Judges in such cases to go? In the Irish Judicature Act of 1877, there was a special power given to make rules regulating the whole practice of the Court. Was that power to be overruled by this present provision? Under that Act there was an absolute right of appeal from any order made by the Land Judges; but was it now intended, if the power to send cases to the Land Judges was exercised, that any suitor who felt aggrieved might appeal from any order made by the Land Judges to the Court of Appeal in Ireland, whether the Land Commission liked it or not? If that was intended, and the drafting remained as it was, the Court of Appeal might be found giving decisions absolutely at right angles to the Commission. The more this was looked at, the more clear it became that it would be surrounded by difficulties, both substantial and technical. He did not think that was the way to preserve proper respect for the Bench; for they were to have no power of asking the assistance of the Lord Chancellor or of any of their Colleagues in the preparation of rules for regulating appeals. If the Government did not care to give this opportunity of participating in the regulation of the Court to all the Judges direct, they most assuredly should give it to the Heads of the Divisions, and, at all events, to the Lord Chancellor, after consulting the Land Judges, in order to control, in a moderate way, the references to the Land Court. The right hon. and learned Gentleman the Attorney General for Ireland thought this plan would enable the Commission to send to the Land Judges to clear up some cases in order to insure that a clear good title should be sold; but could that be accomplished directly in the ordinary way in regard to private purchasers in Ireland? At present people in Ireland were able to work very well with the existing machinery, and he thought it would greatly simplify matters if the same system were adopted under this Bill. It was absolutely impossible that this clause could emerge from the House in its present shape. It was too wide and too general. It contained nothing at all to restrain the Land Commission, or to prevent an Assistant Commissioner having powers he was not intended to have; and he thought that if the clause was retained

there should be power given either to the Heads of the Divisions, or at least to the Lord Chancellor, to take part in conjunction with the Land Judges in making the rules.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) admitted the force of some of the right hon. and learned Gentleman's observations, and would consider the matter before Report with a view to obviate the difficulties pointed out. It was not intended that the power of reference to the Land Judges should be exercised by the Commission by delegation. If the clause could not be satisfactorily amended and reduced in its operation, he would consider whether it could not be dispensed with.

LORD RANDOLPH CHURCHILL asked whether the Commission, having become owners of an estate, could go into the Court to sell; or, putting the converse, could they go into the Court like an ordinary purchaser and buy an estate from the Court? He wished to get at the relative positions of the Court and the Commission.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) replied, that the Commission could go and purchase an estate from the Landed Estates Court.

SIR HENRY HOLLAND said, he hoped the right hon. and learned Gentleman would consider before the Report whether he could not introduce words making the decision of the Chancery Division final.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he should consider that matter also.

MR. FINDLATER observed, that anyone reading this clause would find that exceptional powers were given to the Commission; but he had an Amendment on the Paper with reference to the power of the Commission to refer to the Court, as he considered the terms of the clause rather wide.

MR. PLUNKET said, he would not press the Amendment to a division, but, before withdrawing it, he wished to mention that under the present practice the Court gave notice to the tenants of an estate about to be sold; but at present it was not clear where the functions of the Commission were to begin in the way of selling holdings on estates and where the functions of the Court ended. At

present that was most difficult to make out.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 22, line 36, before "The," insert "For the purposes of this Act."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. GREGORY asked, what would be the functions of the Commission with respect to appeals?

COLONEL STANLEY inquired, as a point of Order, whether the position of the Amendment would preclude a discussion of Clause 41?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): No.

Amendment *agreed to*.

Amendment proposed, in page 22, line 36, after "power," insert "and jurisdiction."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

Amendment proposed, in page 22, line 36, leave out "decide," and insert "hear and determine."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

Amendment proposed, in page 22, line 37, leave out "questions whatsoever," and insert "matters."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

Amendment proposed, in page 22, line 37, leave out "they."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved in page 22, line 41, insert as a new sub-section—

"3. The Land Commission may, of its own motion, or on the application of any party to any proceeding pending before it, state a case in respect of any question of Law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

"The decision of the said Court of Appeal on any such question so referred to it shall be final and conclusive.

"Alter the numbers of subsequent sub-sections."

Question proposed, "That this new sub-section be there inserted."

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MR. HEALY suggested the insertion of "shall" after "or" in the second line.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he thought the word "may" was sufficient, and better than "shall," for he could imagine cases in which an application might be made for a case to be stated where there was small ground for it. It would be better to leave the matter in the hands of the Court, and, as a rule, the Court would interpret "may" as "shall."

MR. GIBSON said, he thought "may" must mean either may or shall, but not both, and he thought the suggestion of the hon. Member reasonable. No Court worth having would be afraid of having its decisions reviewed. The late Mr. Butt had urged that parties should have an absolute right of appeal whether the Court liked it or not, and in the Judicature Act of 1877 that right was definitely given. He did not say the proposed Commission would not be satisfactory on questions that were non-legal; but it was arrogating an immense power to say that the Judicial Commissioner was so absolutely certain to be right that neither the landlord nor the tenant should have the right of appeal. That would be clothing him with a kind of infallibility, requiring the highest type of man ever put into the exercise of judicial functions. His right hon. and learned Friend said that in proper cases the Judicial Commissioner would interpret "may" as "shall," and in improper cases he would interpret "may" as "may." In other words, the Judicial Commissioner would not allow an appeal from his decision unless he liked. That was a "sham," and they must make up their minds finally whether they meant that there was to be an appeal or no appeal. Was it intended that under no circumstances, without the sanction of the Court, should there be a review of its decision on a legal question in which many thousand pounds' worth of property and the interests of hundreds of tenants might be involved? He protested against that, and would raise the point, not only now, but, if necessary, also at subsequent stages.

MR. SHAW said, he thought it would not be wise to give a right of appeal in all cases, where there might be no ques-

tions of law involved. It was assumed that the Judicial Commissioner would be a man of some standing, and that he would not refuse an appeal where there was some legal question. The proposal of the hon. Member would enable the man with the longest purse to appeal when there was no ground for it, and on the broad ground of common sense he thought it would be most objectionable.

SIR HENRY HOLLAND suggested as a way out of the difficulty, and to meet the case of a man with a long purse, the introduction of "upon such terms as to costs or otherwise as the Court may think fit." That would insure justice to the poorer party.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he should be disposed to accept the Amendment of the hon. Member for Wexford (MR. Healy) if the words "unless the Court considers the application frivolous" were introduced.

MR. HEALY said, he was willing to accept that proposal; but he pointed out that if the Committee knew who would be the Commissioners, they could better judge whether "shall" was necessary or not.

MR. FINDLATER said, he hoped the Government would adhere to their own Amendment.

MR. GIBSON proposed to insert "shall" after the words "before it."

Amendment proposed, in third line of proposed Amendment, after the words "before it," insert "shall." — (MR. Gibson.)

Question proposed, "That the word 'shall' be there inserted."

MR. WARTON observed, that the Committee were about to create a Court composed of one real Judge and two pseudo-Judges, and he thought it might often happen that the two laymen might overrule the judgment of the legal member of the Court, on the ground that they were right and the lawyer was wrong. The word "vexatious" would have no effect on their minds, and he thought it would be perfectly absurd to allow such a state of things. He, therefore, supported the Amendment.

Amendment to proposed Amendment, by leave, *withdrawn*.

Amendment proposed, in proposed Amendment, after the word "or," in line 2, to insert "shall." — (*Mr. Healy.*)

Question proposed, "That the word 'shall' be there inserted."

SIR GEORGE CAMPBELL said, he hoped the Government would not accept an Amendment which would enable every litigious person to insist on an appeal, however unreasonable. Even in accepting the words "unless it considers the application frivolous," the Government were going too far; and he would rather have the new Court in the same position as other Courts.

MR. H. DAVEY remarked, that he believed no Judge would deny that the knowledge that his decisions might be reviewed had a salutary effect on those decisions; and he thought it would be unreasonable to refuse to the parties the right now proposed. Very difficult questions of law might arise before the Commission, and the two lay members might overrule the legal member, although they might be entirely wrong. He supported the Amendment.

MR. SHAW preferred the words proposed by the Attorney General for Ireland; but suggested the insertion after "shall" of the words "provided that the Court considers the application reasonable."

MR. DALY said, the real point was to insure that the man who had the most sovereigns should not be able to harass the poorer man; and he believed no Judge would risk his reputation by refusing an appeal on a question of law when he entertained any reasonable doubt. The Amendment was not necessary.

SIR PATRICK O'BRIEN said, he could understand the kind of bogus feeling of lawyers on this question; but the tenant's interest would not suffer if this Court were conducted on the usual principles which guided Courts, and he advised the right hon. and learned Gentleman to insist upon the Amendment to insert "shall."

LORD RANDOLPH CHURCHILL mentioned that one of the appeals now pending before the House of Lords was an appeal from some fishermen tenants of the Duke of Devonshire; and asked where the tenants would have been if they had not the right of appeal?

Amendment to proposed Amendment agreed to.

Amendment proposed in proposed Amendment,

In second line, to insert "unless it considers such application frivolous and vexatious." — (*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

Amendment agreed to.

MR. GIBSON, observing that immense issues might be involved as to rents, suggested that before Report the Attorney General for Ireland should consider the desirability of providing that the decision of the Commission should only be final up to a certain limit of cases.

MR. H. DAVEY suggested the adoption of the Bankruptcy rule, that there should be no appeal to the House of Lords unless the Court of Appeal deemed the matter sufficiently important, and supported the proposal for a limitation made by the right hon. and learned Gentleman (*Mr. Gibson*).

MR. CALLAN remarked that this discussion was kept up by Chancery lawyers, who knew nothing about Ireland and Irish property.

Question put, "That the Amendment, as amended, be there inserted."

Amendment agreed to.

Amendment proposed, in page 23, line 25, insert "any" before the word "such." — (*Mr. Plunket.*)

Amendment agreed to.

Amendment proposed, in page 23, line 29, leave out "aforesaid," and insert "except as by this Act provided." — (*Mr. Plunket.*)

Amendment agreed to.

Clause, as amended, agreed to.

Clause 41 (Appeal to Land Commission).

Amendment proposed,

In page 23, line 36, after "Act," insert "or under 'The Landlord and Tenant (Ireland) Act, 1870.'" — (*Mr. Attorney General for Ireland.*)

MR. GIBSON asked how this appeal machinery would work, observing that at present the Judges of Assizes were the appellate tribunal, and, through

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them, appeals could be heard in the country with little trouble and expense to the parties. But this was apparently to be changed, and he would be glad to know how the Government proposed that the new tribunal should work—whether in Dublin, or in the country?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he expected that the Commissioners would be able to go round the country and hear appeals from Courts of First Instance at convenient times. The idea was that the appeal work should be generally done in the country, as near as possible to the poor man's door.

MR. HEALY said, he thought the Amendment an excellent one; but regretted that the 21st section of the Act of 1870 was to be repealed, because that would cause great practical inconvenience.

*Amendment agreed to.*

*Amendment proposed,*

In page 23, line 40, at end of Clause, add "The twenty-fourth section of 'The Landlord and Tenant (Ireland) Act, 1870,' is hereby repealed."—(*Mr. Attorney General for Ireland.*)

*Amendment agreed to.*

MR. GIBSON said, he wished to propose an Amendment to which he attached very great importance. It was to suggest that decisions of the Land Commission sitting in an appellate capacity should not be final in certain clearly defined cases. He did not seek to encourage or facilitate reckless appeals, where there was no foundation for them; he sought only to give an appeal in certain clearly defined cases, where every reasonable man would say it was only reasonable, and where the Land Commission were not unanimous. The Judicial Commissioner might be overruled by the lay Commissioners, and where there was a difference on a point of law there ought to be an appeal. He would also give the right of appeal in cases where a certain sum of money was involved; but he had left the amount blank, being mainly desirous of getting the principle accepted; the amount could be agreed on afterwards. The third case in which he would give a right of appeal was when the Court itself desired it. It was a very important thing to set up this tribunal to deal with important legal points, and to say there

*Mr. Gibson*

should be no appeal from it to a higher tribunal; and he was not at all impressed by the contrary argument of the hon. Member for Cork County (Mr. Shaw), whose common sense he would trust in any matter of business, but whose judgment he would not equally accept in a matter of law. It was not unreasonable to give such appeal where there was a difference of opinion, and it was not unreasonable to give an appeal where a great estate was dealt with, the owner claiming at the peril of costs. This was the law of the land in reference to every other tribunal; and he should be glad if the Government could see their way to modify the clause so as to make it meet the cases he had referred to.

*Amendment proposed,*

In page 23, line 40, after "same," insert "Any person aggrieved by any decision or order upon any question of law made by the Land Commission under this Act may, in case the members of the Land Commission were not unanimous as to such decision or order, or in case such decision or order affects an amount of not less than pounds, or in case the Land Commission consents thereto, require the Land Commission to reserve such question of law by way of case stated for the consideration of Her Majesty's Court of Appeal in Ireland, and the same shall thereupon be heard accordingly in such manner and form as may be prescribed by Rules of Court to be made for carrying into effect the provisions of this section with respect to appeals to the said Court of Appeal, in accordance with the provisions of 'The Supreme Court of Judicature (Ireland) Act, 1877.'"

"The said Court of Appeal shall make such decision or order as ought to have been made by the Court below, and such decision or order shall be of the like effect as if it were the decision or order of the said Court, or the said Court of Appeal may remit the case, with such directions as they think fit, to the Court below: Provided always, That the judgment of the said Court of Appeal shall be subject to appeal to the House of Lords, in like manner and under the same conditions as the judgment of the said Court of Appeal in cases from the Chancery Division of the High Court of Justice is made, subject to appeal to the House of Lords by 'The Supreme Court of Judicature (Ireland) Act, 1877.'"—(*Mr. Gibson.*)

*Question proposed, "That those words be there inserted."*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the right hon. and learned Gentleman had confined his remarks to the earlier part of the Amendment, which was rendered unnecessary by the Amendments that had been already made in the Bill. It

had been already provided that either of the parties concerned should have a right of appeal provided the grounds on which it was asked for were not frivolous. This right was granted without reference to any difference of opinion in the Court or to the value of the property at stake. But the right hon. and learned Gentleman had said nothing about the concluding part of his Amendment, which was the most important of all. It proposed that the appeal might be carried to the House of Lords, and that was inconsistent with what the Committee had already done. They had provided that a man could have his case stated in the Court of Appeal; but they had also enacted that the decision of the Court of Chancery upon his case so stated should be final and conclusive. A new departure was now proposed by the right hon. and learned Gentleman. The Government could not accept the proposition, because they thought they had provided for all that was required.

SIR GEORGE CAMPBELL said, he had a strong conviction that too much had been thrown into the hands of the lawyers, and that if the Bill was tied up by too many legal points and bonds great injury would be done to this great Act of reconciliation.

*Amendment negatived.*

MR. HEALY moved, in page 23, at end of Clause, to insert the following sub-section:—

"Every solicitor of the Court of Judicature in Ireland may appear, act in, and plead any proceedings before the Land Commission or any of said Sub-Commissions, without being required to employ counsel; and all laws now in force concerning solicitors shall extend, as far as the same may be applicable, to solicitors so practising as aforesaid."

The hon. Gentleman explained that the sub-section was taken from the Irish Bankruptcy Act. Of course, he presumed the tenants would have to employ lawyers of some kind. It was very desirable they should employ the cheapest; and under the sub-section he now proposed the Court could allow any solicitor to bring a tenant's case before them. As the words were taken from the Bankruptcy Act he imagined the Attorney General for Ireland would not object to the Amendment.

Question proposed, "That the sub-section be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, although he considered the addition of the sub-section unnecessary, he saw no objection to it.

MR. GIBSON said, he was very sorry to find the Attorney General for Ireland assenting to an Amendment absolutely at variance with existing legislation on the subject. The hon. Member for Wexford had gone back to the old Bankruptcy Act of 1857, and the sub-section he had abstracted had not the smallest reference to Land Courts. The 68th section of the County Officers and Courts Act of 1877 was far more beneficial to the suitors than the Amendment of the hon. Gentleman would be, for it enabled the parties themselves, or the fathers or brothers of the parties, by the sanction of the Chairman, to appear in the County Court to argue the case, or it enabled them to appear by solicitor, or by barrister, if instructed by a solicitor. If the Amendment were adopted, taken as it was from an old Act of Parliament, which did not even now govern the proceedings, it would lead to the greatest complications, because it might be possible that the tenants would desire not to appear by counsel or attorney, but to appear in person, or by father or other person. He wanted to preserve these rights of the people as they were at present. Let the parties come in, if they pleased, without any professional man; let them come in with solicitors, if they so desired; let them come in with counsel if they so desired, and they sometimes would desire to do one thing and sometimes another. In his opinion, the Amendment was not necessary, and it would not be advisable to accept it in its present shape.

MR. HEALY said, the argument of the right hon. and learned Gentleman was entirely beside the question. It did not matter one pin whether the Amendment was taken from an old Act or not. The Committee ought to make it clear that the people could employ the cheapest form of counsel if they chose. There was nothing in the Amendment taking away from the people the right to plead for themselves if they wished to do so. The Attorney General for Ireland would bear him out that if the Bill passed without Amendment in this respect the Court might, as a matter of practice, exclude solicitors from plead-

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ing before them, and might insist upon solicitors employing counsel. What would be the result? If a claim were made in the Court for £5, a solicitor would have to be employed, and he would have to employ counsel, and the costs would exceed the original claim by hundreds per cent. He was glad to think the Government had accepted the Amendment, which he was sure would be well received in Ireland.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had already stated that he considered the Amendment entirely unnecessary, though he did not think it would do any harm, indicating as it did the spirit in which they intended the Court to act.

MR. HEALY said, he understood that the Railway Commissioners excluded solicitors, because their right to plead was not specified in the Act.

MR. MELDON said, he was afraid the Amendment, if it would have any operation at all, would have a mischievous operation, because the circumstances under which the clause under discussion was introduced in the Bankruptcy Act were these—that counsel had the right of audience in the Bankruptcy Court while solicitors had not. That was not the case with the proposed Commission. In his opinion, even without any Amendment, solicitors, and counsel employed by solicitors, and even the parties themselves, would have the right to come in and practice before the Commission; but to remove any doubt in the matter there could be no objection to the insertion of a properly framed clause. He was sure his hon. Friend wished to lighten the expenses of going into Court. He would not like the Amendment to be accepted for fear its adoption would leave it open to argument that no other persons save counsel instructed by solicitors, or solicitors could practice before the Commission.

MR. FINDLATER said, he hoped the Amendment would be accepted. It was well known there were many solicitors practising in the County Courts who were far more competent to cross-examine witnesses and address the Court than any junior barrister possibly could be. These gentlemen could be employed at a much lesser fee, and it was unjust that an humble suitor should be excluded from availing himself of their services for the purpose of preserving the monopoly of

the Bar. The Bar had had matters all their own way for a long time, and it was hard a solicitor should not have as equal a right to address a Judge as any barrister.

MR. P. MARTIN said, he was in favour of the principle asserted by the Amendment. He could not agree in some of the reasons apparently pressed against the Committee now agreeing to its adoption. It was not desirable that employment of counsel by the attorney should be required in every case in a Bill of the character of the present. A suitor could appear in any Court to plead his own cause, and there was no necessity for any formal words to show what his inherent right was in this respect. There was nothing in the Bill to say that an attorney might appear without being required to employ counsel. They all knew that counsel did enjoy peculiar privileges, including the privileges of pre-audience. It might fairly be contended that the words of the County Court Act passed in 1877 would not refer to a newly constituted Court; and what they did, by the proposed clause, was to say that an attorney without—in the words of the clause—"being required to employ counsel" should have the right of appearing in Court, that he should have the right of pre-audience now enjoyed by counsel.

SIR R. ASSHETON CROSS said, they were all agreed that it was desirable to allow solicitors or the parties themselves to plead before the Court. His right hon. and learned Friend (Mr. Gibson) was firmly convinced that if the present Amendment were adopted what they desired would not result; and the hon. and learned Member for Kildare (Mr. Melton) had also doubts upon the point. He thought that if the Attorney General for Ireland would take care that on Report some words would be introduced making it perfectly clear that the parties could appear themselves, or by solicitors, or counsel instructed by solicitors, they might close the discussion at once, for that was what they all wanted.

MR. HEALY said, he would prefer that the words should be inserted now, and then, if the Government saw any reason to make them more precise on Report, it would be competent for them to do so.

MR. PLUNKET said, he considered the Amendment highly unnecessary and

*Mr. Healy*

also misleading. It was the opinion of the Committee that the parties should be allowed to appear in Court themselves, as well as by counsel or solicitor. The Amendment implied that a solicitor was the natural person to take proceedings, and it added that he should be allowed to do so without employing counsel. If the Government thought it necessary to insert any words on this subject, he trusted the words adopted would not have a misleading effect.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it would, perhaps, be more convenient if the hon. Member for Wexford would withdraw his Amendment. He (the Attorney General for Ireland) would undertake on Report to introduce words which would improve the purpose of the hon. Gentleman, and make the point perfectly clear.

Mr. HEALY said, he was happy to withdraw the Amendment under these circumstances.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 42 (Rules for carrying Act into effect).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, this clause enabled the Committee to frame rules for the regulation of their proceedings. He begged to move in page 24, after line 3, to insert—

“(b.) The proceedings on the occasion of applications to fix judicial rents under this Act.”

Question proposed, “That this paragraph be there inserted.”

Mr. GIBSON said, the Amendment appeared quite reasonable as far as it went; but it would be well to add after rents “and the withdrawal of such applications.”

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) assented.

Amendment, as amended, *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 24, after line 7, to insert—

“(e.) The proceedings in respect of cases stated for the decision of Her Majesty’s Court of Appeal in Ireland under this Act;

“(f.) The proceedings on the occasion of applications for transfer of cases for the Civil

Bill Court to the Land Commission under this Act.

“Altering the letter of other paragraphs accordingly.”

Amendment *agreed to*.

Mr. HEALY said, in proposing the next Amendment, they all knew that, under the present unfortunate circumstances of Ireland, the only resource which the unfortunate tenant often had was that he was obliged to compel the landlord to incur the odium of sending down 3,000 or 4,000 police and soldiers to serve writs where exorbitant rent was exacted, knowing that public opinion was so strong and the process-server so obnoxious that no landlord, unless prepared to go to the bitter end, would care to serve writs on his tenants. This was owing to the influence of public opinion brought about by the Land League; but, in former days, when no such influence existed, despotism was only tempered by the blunderbuss. [“Oh, oh!”] Hon. Gentlemen might cry “Oh, oh!” but he was quoting the opinion of Mr. James Anthony Froude, an Englishman, whose opinion ought to be accepted by that House. Public opinion and the blunderbuss had, indeed, been the only force by which the tenants were enabled to redress their grievances. The Government said that the mode of serving civil bill processes for the recovery of rent should be placed at the discretion of the Court, and that not merely in cases where the tenant came in as a statutory tenant, but in all cases it was provided that the Land Commission should circulate forms of application and directions as to the mode in which application was to be made, and they might even amend or add to the rules and regulations. Now, he wished to understand what, under these circumstances, was the position of the learned Attorney General for Ireland. Did the right hon. and learned Gentleman mean to tell the Committee that the Land Commission was to be constituted and to have this power in the case of men who were not statutory tenants at all, and who, therefore, claimed none of the benefits under the Bill? Were the Land Commission, from time to time, to make such rules as would alter the mode of serving writs for people altogether outside the Bill? If so, why did not the Government put their proposal into the Bill honestly and fairly?

[*Twenty-eighth Night.*]

A more insidious attempt to alter the processes of law in Ireland he had never seen. He should move an Amendment to omit the words giving the Land Commission power to make rules affecting the service of civil bill processes in ejectment and for the recovery of rent, and he expected that he should have the support of both the Members for the University of Dublin, because they all knew that, as Conservatives, those Members had fought for the old *régime* and must be in favour of the existing order of things. Both those right hon. and learned Gentlemen would contend that the Land Laws of Ireland, from their point of view, had worked in the most excellent manner; and the method of serving writs must, as part of those Land Laws, have worked excellently also. However, he simply wished to learn from the Government whether the provision was to apply simply to statutory tenancies, or whether it was to apply to all cases in Ireland, and he was surprised that the Government should have attempted to smuggle through in this manner a most important provision which would have a most far-reaching effect upon the tenantry of Ireland.

Amendment proposed, in page 24, leave out lines 15 and 16.—(*Mr. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) pointed out that the clause had reference only to the serving of processes, about which there had been difficulties during the recent crisis. He was sure the hon. Member did not wish to oppose the enforcement of the payment of fair rents; and he (the Attorney General for Ireland) was perfectly willing, on the part of the Government, to confine the provision to judicial rents under the Bill.

Mr. HEALY said, he thought the right hon. and learned Gentleman had met him very fairly. He agreed that if the Act worked fairly and the Court gave satisfaction, the man who took land from a landlord ought to pay a fair rent for it. It was desirable that the landlord should get that rent in the speediest possible way. An Amendment to the effect that the provision should simply affect the case of a judicial rent would entirely meet his view.

*Mr. Healy*

Mr. PLUNKET said, the statement made by the Attorney General for Ireland led to a very curious conclusion. This Land Law Bill, as he understood it, was supposed to cover all cases, and to redress all the shortcomings of the law, and to make exceptions in the way now proposed was not entirely fair. If the present method of serving processes of ejectment was inconvenient in the case of a fair or judicial rent, he did not see why it should not also be inconvenient in the case of other rents, which were only not declared to be judicial rents because they were believed to be fair rents without any such declaration. Either the system of serving these notices was or was not a good and proper one; and if it was not, it should be put an end to. Now, there was a fair opportunity of putting an end to it. In any case, both classes of rents should be subject to the same system, for in future, under this admirable Bill, there were to be no unfair rents at all.

Mr. HEALY expressed his willingness to withdraw the Amendment now before the Committee.

Amendment, by leave, *withdrawn*.

Mr. HEALY: I now beg to move that before the word "rent" the word "judicial" be inserted, and that after the word "rent" the words "under this Act" be inserted.

Amendment proposed, in page 24, line 16, after the word "of," to insert the word "judicial."—(*Mr. Healy.*)

Question proposed, "That the word 'judicial' be there inserted."

Mr. GIBSON objected to the Amendment, and wished to know why the words of the clause had been put in the Bill? They must have been put in, because it was well known last year that there were immense difficulties in the way of the serving of civil bill processes. The section was deliberately put in, and it had been referred to, he believed, in the course of debate by the Chief Secretary, who had pointed out the simplicity of service that might be effected under this measure. That must have been the governing principle in the minds of the Government when the section was inserted in the Bill. There was no attempt at the suggestion of any distinction between the two cases; but the power was taken of drawing up rules

for the service of ejectment for the recovery of rent in all cases. They all knew that there was a power in the Superior Courts of directing substitution of service, and that compelled the landlord to go to the great expense of suing in the Superior Courts. The great difficulty of proceeding now in the cheaper jurisdiction of the County Courts was that it was a cumbrous and roundabout method of procedure. What reason was there for cutting down this provision and limiting it to cases where there was a judicial rent declared under the Bill? What justification could possibly be suggested? They all knew that, in the present state of Ireland, the greatest difficulty which the Executive had to meet was found in the service of processes; and yet, in the face of that, the Government were deliberately saying—"We will leave all these difficulties as they are at present; we will leave the Executive face to face with the difficulties they have experienced during the last nine months, and we will not simplify the service of processes." The Government were doing this with their eyes wide open, and leaving the Executive in the future, as in the past, to be put to endless expense and trouble. They would not be able to say, for the future, that this was owing to any defect of the law or to any obstruction on the part of the landlords; but they were deliberately doing this after the plainest notice, and excluding the possibility of the simplicity of service from being applied to the present system.

MR. HEALY said, the right hon. and learned Gentleman seemed to have forgotten that the Court would have nothing to do with anything except judicial rents, and why should it step outside its own domain? It had been established to find a judicial rent; why should it have given to it any functions outside that? If the Court were confined to the matter of judicial rent, would any landlord in Ireland have the audacity to apply to that Court for a special rule with regard to ordinary rents? The position of the Government should be this, that the Court should be enabled to say to any such landlord, at once—"If you want your writs served, you must be able to show that your rent is a fair one; in fact, that it is a judicial rent under the Act." In that case, the

Court would have power to change the mode of service of writs. The Bill was intended to deal with cases coming before the Court, and why should the Court have given to it a power extraneous to its own proper duties? The Bill worked in a particular groove, and the objections now urged from the Front Opposition Bench were an attempt to shunt it off the track to a siding where it had no business at all. The words "judicial rent" would keep the matter exactly within the scope of the measure.

SIR R. ASSHETON CROSS said, he wished to make an appeal to the Chief Secretary. The right hon. Gentleman, as they all knew, had found the greatest possible difficulty in the service of these processes, and the one thing which the right hon. Gentleman wanted, as the Representative of the Executive Government, was to get rid of all that difficulty. The hon. Member for Wexford had said that when a judicial rent was fixed the Court had power to fix how the processes should be served; but how were those rents to be fixed? Any tenant who was dissatisfied with his rent, would apply to the Court and get a judicial rent fixed; but, presumably, unless the tenant did so apply, he was satisfied. The effect of the present Amendment was this—that were the tenant showed, by not applying to the Court, that he was content, the Executive were to be put to all the trouble that now existed in regard to the serving of these processes; and it was only where the tenant showed he was dissatisfied by applying to the Court that the Executive were to be relieved from that trouble. He (Sir R. Assheton Cross) hoped that the right hon. Gentleman the Chief Secretary would see to this matter.

MR. W. E. FORSTER said, he did not see how they could avoid making this matter clear, and inserting the words which were thought necessary, and thereby carrying out what appeared to him to be the intention of the clause. If the right hon. Gentleman would look at the beginning of the clause, he would find the words "application to be made under this Act," and it was quite clear that the spirit and the meaning of the clause was that the Court were to make rules with regard to the application of the Act. It would be a good thing to have rules made which should affect the

serving of processes generally; but he did not see how they could give the Court power to make rules for something quite outside its jurisdiction.

MR. MULHOLLAND pointed out that the words "this Act" were distinctly mentioned throughout, except in respect of these rules in regard to the recovery of rent, as to which there was no such limitation. Surely, nothing could be more absurd than the position to which they would be reduced by the insertion of this Amendment. Take, for example, the case of two neighbouring landlords. One let his land at 20s. an acre, and the other let his land at 25s. an acre; but the rent of the latter had been reduced to the "judicial rent" of 20s. an acre under the Act. The landlord who had had his rent reduced by the interposition of the Court would have facilities for the recovery of that rent; but the other, who was so good a landlord that he had never been called before the Court at all, would be without such facilities. Could anything be more absurd? He wondered that the Chief Secretary, who must have been brought into contact with all the difficulties connected with the serving of processes, should now take up so extraordinary a position, which was most illogical. He could not see any ground whatever for the concession announced by the right hon. and learned Gentleman the Attorney General for Ireland, and he hoped the Government would, on re-consideration, change their minds.

SIR GEORGE CAMPBELL said, he thought the functions of the Land Commission were to fix a judicial rent, and not to collect it. When the rent was fixed, the parties would come under the ordinary processes of the law. It was very difficult to make any distinction between one kind of rent and another. If they went beyond the immediate scope of the Bill, where were they to stop? He would, however, like to see provided, in reference to the power of the landlord to carry the tenant into an expensive Superior Court, and to load him with costs that both parties should be put on the same footing, and that the costs of the Superior Court should not be allowed, unless that Superior Court certified that it was a fit case to take before it.

MR. PARNELL said, it might or might not be desirable to make a reform

which in effect would be an amendment of the County Offices and Courts Act of 1877; but such an amendment would be entirely beyond the scope of this Bill, and if amendments in one direction tending to an alteration of the rules and methods of procedure of the local Courts were suggested or attempted by Conservative Gentlemen, the Irish Members on their side would also bring forward amendments and suggestions which they would otherwise refrain from introducing, because they conceived that such alterations were entirely beyond the scope of the measure.

MR. WARTON said, he wished to remind the Attorney General for Ireland that this was a Bill "To further amend the Law relating to the Occupation and Ownership of Land in Ireland." The hon. Member for Wexford had said that a fair landlord had a right to a fair rent; but it must be remembered that, in the 22nd section, the Government had introduced words making it impossible for a landlord to go into Court to get a fair rent unless he had previously demanded an increase of rent.

MR. W. H. SMITH said, he hoped the Attorney General for Ireland and the Chief Secretary would consider the very grave question here raised. The title of the Bill distinctly recognized the amendment of the law generally, and here was an admitted evil which required to be remedied, and which was intended by the draftsman to be remedied by this clause, or else he would not leave the terms of this sub-section general while the terms of all the other sub-sections were particular. It would be very disastrous if a great benefit to the public and relief to the State could not be accomplished because it did not come within the assumed purposes of this particular clause.

MR. W. E. FORSTER: It is true that the word "and" is not quoted. It gives the Commission power entirely outside their general jurisdiction, and it should be in a separate clause.

SIR R. ASSHETON CROSS: It is clearly an admitted evil; and the arguments of those behind me are unanswerable, and the Government have not attempted to answer them. It is the most absurd proposition that I have ever heard. If the Prime Minister had been present he would not have taken up the position.

*Mr. W. E. Forster*

**THE SOLICITOR GENERAL** (Sir **FARRER HERACHELL**): The matter is not so simple as the right hon. Gentleman would suggest. Under this rule you would be regulating the process, not of this Court, not of the Civil Bill Court under this Act, but regulating the general process of the Civil Bill Court. The Act provides that the Lord Chancellor and the Chairman shall regulate them. That being so, it would be a strange way to abrogate that power. You cannot have one procedure fixed by the Chancellor and five Chairmen, and another procedure by the Land Court, over-ruling the other. I do not mean to say that it is a serious question, or one of importance; but I do not think that it is so simple in a clause of this kind to give the power of the Land Commission, not the process of the Civil Bill Court, but a process which has been already regulated by another body. It is a matter, of course, deserving of consideration; but it is not so clear.

**MR. GIBSON** said, he had never known in his life efforts shown by a Government to induce the House to arrive at a conclusion that the Executive were entitled to remain encumbered by all the difficulties which have been surrounding them for the last three months. They deliberately put into the middle of the clause sub-section "G," for the very express purpose of getting them out of the difficulty of the service of processes. That was a statement which had not been denied; and he ventured to think that it could not be denied, and would not be denied, before this debate closed. And what was the meaning of this remarkable and astounding and absurd change of front? They had in their Bill, as the result of deliberate thought, an Amendment to save the country thousands of pounds in the employment of military and police, which would, at the same time, simplify the service process and save the chance of outrage; and, having all these advantages in the Bill in clear English and in unmistakeable simplicity, they accepted the Amendment of the hon. Member for Wexford, who said that it was not fair to free matters from existing complications. [Mr. HEALY: I never used the expression.] He admitted that it was a paraphrase. But if that were not the meaning of the argument of the hon. Member for Wexford, he was at a loss to indicate what it

was. What was the argument of the last Government change? It was that of the Solicitor General. He said that there was a certain want of jurisdiction here. But the argument that he had used went too far, and did not go far enough. If they proposed to confine it to the power of regulating the processes for the non-payment of judicial rent merely, that was a matter which could be equally well dealt with under the Act of 1877, if the County Court Judges pleased to deal with it, and they merely superadded it to a better tribunal in a better way. What were the absurd results? In the first place, they saw the Chief Secretary to the Lord Lieutenant, who was the Officer answerable for the peace of the country and the administration of the law, struggling for the Amendment which would leave him in his difficulties, and leave the country exposed to outrage and expense. They had the Attorney General for Ireland and the Solicitor General for England contending for an Amendment which would leave them face to face with results so absurd that they could not and would not be defended, because the position was this—that they were willing to direct the service of civil bill process for judicial rents, leaving uncovered under the existing law "the service of processes other than judicial." What was the result? Where was the reason which justified the distinction? A judicial rent could only be arrived at by a landlord if he asked for an increase. The landlord had not got the power of going into Court to have the rent measured *simpliciter*—he must ask for an increase; so that they gave the landlord whose title to it was that he asked for the increase of rent, the benefit of the new process, and they left the old cumbrous process to the landlord who had not asked the tenant to pay the increase. The tenant who brought his landlord into Court evidenced by that act that he was not satisfied with what he had to pay, and therefore they would give that tenant who had so shown that he was not satisfied with the rent that he had to pay, and asked to have it re-assessed, the benefit of a simple process; but they left the tenants outside this clause who did not make any complaint with reference to the rent under the old process. He asked, was the Bill confined to the tenants paying judicial rents? It



was nothing of the kind. The Government's own glossary made a distinction between ordinary and other tenants; and they had dealt with all classes of tenants. They dealt with tenants paying judicial rents and those who were not—and here, when they were both comprised in the same class and in the same sub-section, they accepted an Amendment from the hon. Member for Wexford, who, very naturally, moved the Amendment from his point of view, which would make a distinction which the Government ignored in the previous sections; and the sole effect was to leave the Executive Government of the country exposed to expense, to difficulty, and to delay. Let not the Government say hereafter, if there were difficulties in the way of service of process, if it led to outrage and expenditure, and to the necessity of sending thousands of military and police, that it was in consequence of this Amendment here and elsewhere, that these results followed. It had followed by the deliberate acceptance of the Government after warning, and with notice of an Amendment that prevented them from obtaining a simple and cheap service of process. Let the matter be understood by the country and the Committee that the Government under this clause as it stood unamended were entitled to have a simple and clear service of process which could be obtained at the expense of a few shillings, which could be enforced without military and police, and which would obviate the chance of outrage; and, with these clear advantages on one side, the Chief Executive Officer of the country, advised by the Law Officers of Ireland and of England, insisted on remaining under a condition which at present they all deplored. The hon. Member for Kirkcaldy (Sir George Campbell), who had taken an intelligent interest in these proceedings, had compared it, not very happily, to a Bill which was opposed by the Conservatives and thrown out—a Bill for the Limitation of Costs. It passed this House without discussion or debate. [Mr. HEALY: No.] He was present; and he would give the reason in one minute. It was passed on a Wednesday afternoon, in that quarter of an hour which was such an unhappy time for some people, on an occasion when he himself was absent. He would be quite willing that it should be made law on one condition, that they

would say to the Civil Bill Court, to whom they asked the landlords to have their resort in certain cases, that they would give to them the same power for the service of processes that existed in the Superior Courts. But it was unjust and unreasonable to tell the landlords that they would penalize their application to a Superior Court, and, at the same time, to deny the Inferior Courts the same simplicity of service. He feared that he was not speaking strictly in Order, and therefore he would not pursue the subject further. He did not himself understand the reasoning—he supposed that was the word—which had operated on the mind of the Government. They had not explained their action; they had not defended their conduct; they had not attempted to show that they were not doing one of the most inexplicable things that ever was done by a responsible Government. He, for himself, could say something more on this subject; but he forebore. He was sorry that the Prime Minister was not present. He believed that if he were he would suggest some way out of the difficulty, which he felt himself to be very serious, and which he would be glad to see his way out of.

MR. W. E. FORSTER: The right hon. and learned Gentleman said that he forebore, though he could say a great deal more. Now, I really do not think that the right hon. and learned Gentleman could say much more. I should say that the heat of the day must rather have affected him for the last few minutes. The real state of the matter is this. Here is a clause, the object of which is to give the Land Commission power to make laws for working their Act. There is one section of it, which, it has been pointed out to the Government, goes outside the object of the Bill. It seems a natural and reasonable thing to ask that it should not be put in, especially when we bear in mind that I do not believe there is a single other case in which the Land Commission have power given them by this Bill to go outside their general duties. Now, I quite admit that it would be a good thing to have a change; but I cannot think that the way in which it has been pointed out to us is the right way. It seems to me perfectly clear that we have no right to be smuggling in a provision into the middle of the clause for another

*Mr. Gibson*

purpose. I do not see how we are to support the argument that the civil bill processes are to be made to apply outside the Act. The question is a very important one; and I am not sure that this Bill is the right place to deal with it. I think that better regulations might be made than under the present law; but I do not think that in a matter which would affect such a thing as the recovery of rent in Ireland, that we ought to change it in a clause apparently for another purpose, and simply by being inserted amongst several other clauses, so that it would hardly be suspected by anybody that it meant to apply to anything outside. If the thing is to be done, it should be done in a separate clause. I shall certainly bring the case before the Prime Minister. I have not had any conversation with him about it. The right hon. and learned Gentleman thought that I had alluded to it in the debate; but I do not remember having done so. I think that the matter is well worth examining; but I am certainly still of opinion that if it should be done that it should not be done in this clause.

SIR R. ASSHETON CROSS: I gather from the speech of the right hon. Gentleman who has just sat down that, at all events, he agrees with us as to the merits of the case. He cannot defend the law as it as present stands, as he suggests that it should be amended, and he is with us entirely on the merits. [Mr. W. E. FORSTER dissented.] The right hon. Gentleman says that he does not quite admit that. But he says that the law is in an unsatisfactory state. Well, it is in an unsatisfactory state, and it would be in a still more unsatisfactory state if the Amendment is allowed to be carried; and the only ground for not retaining the section in the clause is that it does not belong to this clause. All that we ask leave to say is that the draftsman intends that this clause shall meet this case. Of course, any Court would naturally say that these words have not been left out of this particular clause for this special purpose. But if the right hon. Gentleman will go one step further, and say that the Government will consider this matter, and that he will bring in a separate clause, because he does not admit that this is a proper clause for it to be inserted in, we shall be content. The whole scope of the Act is

relative to the operation of land in Ireland and other purposes. It is absolutely within the scope of this Act, and no one can possibly think otherwise. What I am saying is that the right hon. and learned Gentleman the Attorney General for Ireland has put my argument before the Committee. The Government have admitted the whole strength of our case; but they are resting their defence on this—that this clause is not the place for it. If the Government will say that they will consider this matter, and bring up a separate clause, then we shall be content. If they will not, then I think that it is necessary for us to report Progress, in order to give them an opportunity to re-consider the matter.

MR. W. E. FORSTER: I cannot say more than this, that I shall bring the matter before the Prime Minister; but I cannot say that I shall bring in a separate clause. If we put in the words “judicial rent,” I do think, with the right hon. Gentleman, that it will leave things worse than they are at the present moment. I do admit, on the other hand, that there is an objection to there being two forms of collection. But the real question to be considered is this—is this a matter of sufficient importance that we should introduce it as a separate clause in this Bill, independently of the general Act? That is not so perfectly easy a matter to decide, and it is a matter which me and my right hon. Friend will have to consider, and it is not a matter upon which the Committee will expect me to pledge myself at present. I do not suppose the right hon. Gentleman objects to the passing of the clause with “judicial rent.” [Sir R. ASSHETON CROSS objected.] Well, if the right hon. Gentleman objects, we must take a division.

MR. W. H. SMITH: Under those circumstances, I have no alternative but to move to report Progress, and with every desire to promote the Bill. The right hon. Gentleman talks of introducing the words “judicial rent;” but that deserves very serious consideration, and, under these circumstances, it seems to me necessary that Progress should be reported.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—(Mr. William Henry Smith.)

[Twenty-eight Night.]

MR. W. E. FORSTER: I should like to understand what the right hon. Gentleman asks us to report Progress for now? Is it that he objects to these words "judicial rent" being in? [Mr. W. H. SMITH: Yes.] Well, then, there is another mode—namely, to strike out the words, on the understanding that they will be brought in again, but, probably, not in that clause. It appears to me there is plenty of time for the right hon. Gentleman to raise the question hereafter. I think we must take a division.

MR. PARNELL said, he hoped that when the Chief Secretary brought the question before the Prime Minister he would also bear in mind the admission made by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) that he considered this matter of so much importance that he would be willing to allow the Limitation of Costs Bill to pass if he could retain this reform in the law; and the right hon. Gentleman also would recollect that if he opened this gate and permitted a form of procedure under the Civil Bill Court in one direction, the Irish Members would be entitled to suggest procedure being made in other directions, and also of reforms in the Superior Courts.

MR. GIBSON said, he did not introduce the Limitation of Costs Bill at all. He was dealing with an interruption, and he had a very short explanation of the matter. He would say one word on the present proceedings. How and why did the Government accept the measure, when the right hon. Gentleman had said two or three times over that he would like to consult the Prime Minister on the subject? They had fully a right now to have Progress reported.

MR. W. E. FORSTER: What I did say was that I should like to consult the Prime Minister on the question of whether I would answer the appeal of the right hon. Gentleman opposite (Sir R. Assheton Cross) that we would bring up a clause. That was the point.

MR. GIBSON said, unquestionably, the right hon. Gentleman referred to a desire to consult the Prime Minister who was in charge of the Bill, and who had taken a most active interest in every single one of these clauses. For his own part, he expressed regret that the

Prime Minister was not now present; and he considered that when they had got through 15 clauses with rapidity it was a tolerably reasonable request, after having given their reasons on the subject, that Progress should be reported.

MR. CHAPLIN said, he hoped it would not be necessary to take a division on the Motion to report Progress. He did not think the right hon. Gentlemen apprehended the position which had been placed before him by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). The position was this. His right hon. and learned Friend objected to the insertion of the word "judicial" in the clause now before the Committee, unless it were qualified by the admission on the part of the Government that they would bring up a clause in some other part of the Bill more appropriate in their view. In answer to that the right hon. Gentleman said—"I am not very clear in my own opinion; it is impossible to decide without consulting the Prime Minister." Well, that being so, could there be anything more reasonable than that Progress should be reported in order to enable the Government to consult their Leader and Chief on this point of considerable importance. It was the more necessary to do this, because, as everybody knew, no important point was ever raised in the Bill that any Member of the Government would venture to decide without a direct appeal to the Prime Minister. Under the circumstances, he hoped Progress would be now reported.

MR. MULHOLLAND said, he would just add to what had been said that they were not suggesting any change whatever; they were resisting change, and supporting a proposal that had received the support of the Prime Minister and the Government against a change that, as he thought, had been too hastily admitted by the Attorney General for Ireland.

MR. W. E. FORSTER said, he would not dispute the Motion to report Progress, for what he saw induced him to think that they would not be allowed to decide the question raised.

*Motion agreed to.*

Committee report Progress; to sit again upon *Monday* next.

## MOTION.

—o—

## LAND LAW (IRELAND) [CONSOLIDATED FUND].

Committee to consider of authorising the payment out of the Consolidated Fund of the Salary and Retiring Pension of the Judicial Commissioner of the Land Commission, to be appointed in pursuance of any Act of the present Session relating to the Land Law of Ireland (Queen's Recommendation signified), upon Monday next.

House adjourned at a quarter  
after One o'clock till  
Monday next.

## HOUSE OF LORDS,

Monday, 18th July, 1881.

MINUTES.]—PUBLIC BILLS—Committee—Wild Birds Protection Act, 1880, Amendment (118-166); Burial Grounds (Scotland) Act (1856) Amendment \* (131); Sale and Use of Poisons \* (159), discharged.

Committee—Report—Tramways Orders Confirmation (No. 2) \* (126).

Third Reading—Commons Regulation (Shenfield) Provisional Order \* (132); Alsager Chapel (Marriages) \* (153), and *passed*.

Royal Assent—Newspapers [44 & 45 Vict. c. 19]; Married Women's Property (Scotland) [44 & 45 Vict. c. 21]; Post Office (Land) [44 & 45 Vict. c. 20]; Bankruptcy and Cessio (Scotland) [44 & 45 Vict. c. 22]; Court of Bankruptcy (Ireland) (Officers and Clerks) [44 & 45 Vict. c. 23]; Summary Jurisdiction (Process) [44 & 45 Vict. c. 24]; Local Government Provisional Orders (Askern, &c.) [44 & 45 Vict. c. xcvi]; Local Government Provisional Orders (Horfield, &c.) [44 & 45 Vict. c. xcix]; Inclosure Provisional Orders (Thurstaston Common) [44 & 45 Vict. c. c]; Land Drainage Provisional Orders [44 & 45 Vict. c. ci]; Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.) [44 & 45 Vict. c. cii]; Gas Provisional Order [44 & 45 Vict. c. ciii]; Pier and Harbour Orders Confirmation [44 & 45 Vict. c. civ]; Tramways Orders Confirmation (No. 1) [44 & 45 Vict. c. cv].

## RAILWAYS—CONTINUOUS BRAKES.

## OBSERVATIONS. QUESTION.

EARL DE LA WARR, in rising to call attention to the Parliamentary Return ending 31st December 1880, relative to railway continuous brakes;

and to ask, Whether Her Majesty's Government propose to take any steps to enforce the regulations of the Board of Trade? said, the subject was one that had lately attracted much attention, and he should not have brought it forward again but for the unsatisfactory nature of the Returns just issued. It would be remembered that in 1878 an Act was passed that made it compulsory for Railway Companies to send in Returns every six months specifying the kind of brakes used by them, and the number of carriages and engines fitted with brakes, with other particulars on the subject. Previously to this the Board of Trade had made a very careful investigation into the question of railway brakes, acting in accordance with the recommendation of the Railway Accidents Commission; and in 1877 a Circular was issued by the Board, which referred to the little progress which had been made by the Companies even in—

"The first step of agreeing upon what are the requirements which in their opinion are essential to a good continuous brake."

The Circular then proceeded to specify certain conditions or requirements for an efficient brake, which were these—

"The brakes to be efficient in stopping trains, instantaneous in their action, and capable of being applied without difficulty by engine-drivers or guards.

"In case of accidents to be instantaneously self-acting.

"The brakes to be put on and taken off with facility on the engine, and every vehicle in the train.

"The brakes to be regularly used in daily working.

"The materials employed to be of a durable character, so as to be easily maintained and kept in order."

Such were the conditions laid down by the Board of Trade as indispensable for an efficient brake. This took place in 1877. It was then added in this Circular—

"There can be no reason for further delay, and the Board of Trade feel it their duty again to urge upon the Railway Companies the necessity for arriving at an immediate decision and united action in the matter."

But what had been done? These Returns of the Railway Companies had been carefully and periodically made; but he regretted to say that they showed comparatively but little progress. It was true there were some of the

large Companies which were conspicuous for the good example they had set. The Brighton and South Coast Railway, among these, were successfully employing efficient continuous brakes—the Westinghouse—throughout their system. He might also mention the North-Eastern, the Great Western, and the Midland Companies, as taking active steps to comply with the requirements of the Board of Trade; also the Glasgow and South Western and North British, in Scotland. But if they looked to the general result, as shown by the last Return to the 31st of December, 1880, they would arrive at a very unsatisfactory conclusion, which was this—that of the 61 English Companies, there were only 10 which had in use any brakes that fully complied with the requirements of the Board of Trade; of the eight Scotch Companies five so complied, but of the 21 Irish Companies, not one complied. Thus, of the 90 Companies of the United Kingdom, there were only 15 who had complied to some extent with the requirements of the Board of Trade. But from these 15 must be deducted those whose compliance was little more than a matter of form, running only a few trains with continuous brakes, as if only to show by the Returns that they were giving them a trial. Among these were the Great Northern, the Lancashire and Yorkshire, the Manchester, Sheffield, and Lincolnshire, the London and South-Western, the London, Chatham, and Dover—all of them important lines. Thus, as appeared by the Return, the Great Northern had only four engines and 35 carriages fitted with brakes as required by the Board of Trade; the London, Chatham, and Dover had only six engines and 31 carriages so fitted; the South-Western had only two engines and 10 carriages so fitted. It further appeared that the London and North-Western, one of the most important lines, had from the first made no attempt to adopt a brake as recommended by the Board of Trade, and were now compelled to admit that the brake which they had been using was a failure. Upon the whole it would appear that there were only about seven Companies out of 90 who were actively carrying out the recommendations of the Board of Trade, and the number of passenger carriages so fitted with continuous brakes amounted to 11 per cent of the

passenger carriages in the United Kingdom. He thought, therefore, there was but one conclusion at which they could arrive, which was that the repeated warnings and recommendations of the Board of Trade had hitherto failed to produce any real effect upon the great bulk of Railway Companies in the United Kingdom with reference to the use of continuous brakes. These facts would bear him out in the appeal which he wished to make to Her Majesty's Government as to the course which they intended to pursue. There were differences of opinion as to what was the best kind of brake, and this was not a matter which could be discussed with advantage in their Lordships' House. It was a matter which Railway Companies ought themselves to decide as they had the means and opportunities of doing so; but he would urge that the time was come when some decision ought to be arrived at, either individually or collectively, by Railway Companies, that an efficient brake in accordance with admitted principles of construction should be adopted. The question had been much considered, and many eminent engineers and others had expressed their opinions with regard to it. He believed there was not one of them who would not say that efficient railway brakes were essential, not only on the ground of utility, but also for the actual safety of the public. Railway Companies deserved praise for the manner in which their lines were conducted generally; but with regard to the mechanical appliances to which he had drawn attention, they ought, he held, to bestir themselves. Voluntary action on their part would be preferable to Parliamentary interference. The noble Earl concluded by asking, Whether the Government proposed to take any steps to enforce the regulations of the Board of Trade, and whether they would lay on the Table of the House a Copy of any Correspondence between that Department and the Railway Companies?

LORD SUDELEY said, he would not attempt to follow the noble Earl through his detailed analysis of the Return; but he thought it would, perhaps, have been fairer not merely to have stated that only seven out of 90 Companies were carrying out the recommendations of the Board of Trade, but to have shown the number of carriages and engines

*Earl De La Warr*

fitted with continuous brakes. An examination of the Returns relating to continuous brakes on railway trains showed that 1,645 engines and 17,654 carriages used in passenger trains were so fitted on the 31st of December, 1880; or, in other words, that of the entire stock used in passenger traffic 33 per cent of the engines and 41 per cent of the carriages were fitted with continuous brakes, and that 10 per cent of such fittings were effected during the year 1880. Although some of the Companies had wholly and others partially adopted a brake which fully complied with the conditions specified in the Schedule to the Railway Returns (Continuous Brakes) Act, 1878, yet others, and notably one of the largest Companies, used brakes which did not fulfil the suggestions contained in the Board of Trade Circular of 1877 with regard to continuous brakes. The Board of Trade had been in communication with the London and North-Western Railway Company, who up to the present time had not adopted a continuous brake, but used a sectional brake. They were informed by that Company that the chairman (Mr. Moon) had a meeting with several of the chairmen of the largest Railway Companies, and the result of that interview was that directions were given to the locomotive superintendent of the London and North-Western Railway to consult with the locomotive superintendents of some of the other Lines in the matter. The first question to which that committee devoted itself, as shown in a letter from Mr. Webb, the locomotive superintendent of the London and North-Western Railway, of the 10th of March last, was to obtain a standard coupling which would make it possible for the carriages of one Company to interchange with the carriages of another Company, whatever continuous air-brake they might have adopted. In the opinion of the London and North-Western Railway Company, an universal coupling was the principal thing to be brought about to insure the interchangeability of stock. The Board of Trade were informed that when the question of this coupling should have been arranged, there was every reason to believe that the London and North-Western Railway Company would see their way to adopting a continuous air-brake of some description. Although the Company were

not in a position to give any pledge on the subject, yet the negotiations were being actively pressed forward, and there was reason to hope that before many months should have passed a great stride would have taken place with regard to the use of continuous brakes all over the United Kingdom. In these circumstances, and while fully recognizing the necessity for continuous brakes for providing for the safety of the travelling public, the Board of Trade did not think it desirable at the present moment to take any further steps in the matter. The inquiries into the accidents of the last few months had again shown that many of them might have been mitigated, if not altogether prevented, had continuous brakes been adopted; and that fact, combined with the pressure of public opinion, and with the fact that the Board of Trade were urging on the Companies to allow no delay in the matter, would, it was hoped, bring about the end which the noble Lord had in view, and would prevent the necessity of any further legislation in the matter.

LORD COLVILLE OF CULROSS said, he thought that the noble Earl (Earl De La Warr) had gone out of his way in complaining of the Great Northern Railway Company, as instead of that Company having done less than any other in England, it had, in his opinion, done more to fulfil the wishes of the noble Earl than any other Company. Ninety per cent of their carriages were fitted with continuous brakes. A few weeks ago 12 railway engineers, representing the London and North-Western Railway, the Manchester, Sheffield, and Lincolnshire Railway, the Great Northern Railway, the South-Eastern Railway, the Great Southern and Western Railway (Ireland), the London, Chatham, and Dover Railway, the London and South-Western Railway, the Midland Railway, the Great Western Railway, the Lancashire and Yorkshire Railway, and the Metropolitan Railway, had met to consider the question of continuous brakes, and their expressed impression was that the simple vacuum brake became spoilt when converted into an automatic brake. Vacuum brakes, however, could be made automatic at an expense of £10 in the case of an engine and of £5 in the case of a carriage. The London and North-Western Railway Company had given

up the chain brake, and, like the other Companies, were going to adopt the simple vacuum brake.

LORD HOUGHTON, speaking on behalf of Railway Companies with which he was connected, said, they greatly appreciated the manner in which the Board of Trade had exercised its powers. Had those powers been enforced with pragmatic severity, the cause of railway science would have suffered seriously. He submitted that they had every reason to be satisfied with the progress which had been already made in the use of continuous brakes, and in the case of the Company with which he was chiefly connected, everything desired by the noble Earl opposite would soon be carried into effect.

LORD NORTON observed that, though 90 per cent of railway carriages might be now fitted with continuous brakes, the question was rather what number of Railway Companies might have adopted those improvements; and it would be but small satisfaction to people living on lines where the insecure 10 per cent of carriages were used, to know that in other parts of the Kingdom the lives of travellers were in less danger. He thought the noble Earl opposite (Earl De La Warr) was incorrect in stating that the Act of 1878 prescribed any particular form of brake. On the contrary, the Board of Trade had wisely abstained from doing so. Its Circular, issued in 1877, called upon the Railway Companies to state what brakes they used, in order to bring the subject before the public; but it had not directed the use of any one brake lest it should take upon Government a dangerous responsibility, and practically preclude the adoption of mechanical improvements. The Westinghouse brake, which was generally considered the best at that time, had been already improved upon three or four times. Nor was it the case that the Board had laid it down imperatively that brakes should be continuous and automatic, though five specific qualities were declared in their opinion to be required, a deficiency in any of which would entail a heavy responsibility on the Company in the event of an accident by collision. The progress made in brakes might be slow; but he thought, on the whole, that any imperative Parliamentary action would make it slower. All that could be done

was to call the attention of the public to the subject, require annual statements of what was being done to be published, and leave the Companies to find out the best brake to be used.

#### MILLS AND FACTORIES (INDIA)— LEGISLATION.—QUESTION.

THE EARL OF SHAFTESBURY asked the Under Secretary for India, Whether any Bill for the regulation of labour in mills and factories in India has been brought in by the Supreme Government?

VISCOUNT ENFIELD, in reply, said, that an Act to regulate labour in factories had been passed, and had received the assent of the Governor General on the 15th of April this year. It applied to the whole of British India, and was compulsory therein. Its chief provisions were—the determination of the age of children employed, seven years being the minimum; the limitation of the hours of employment to nine hours, with one hour's interval of rest; the prohibition of the employment of children on certain dangerous work; the fencing of dangerous machinery; the reporting of accidents, and the appointment of Government Inspectors. While, however, the Act applied to the whole of British India, some discretion was left to local Governments to make their own rules regarding the fencing of dangerous machinery, ventilation, inspection, hearing of appeals, sanitary, and minor matters. The Act regulated Crown Factories, except in certain emergencies; but indigo factories and tea and coffee plantations were exempt. He might add that the restrictions on the hours of labour applied to children only.

#### WILD BIRDS PROTECTION ACT, 1880, AMENDMENT BILL.—(No. 118.)

(*The Earl of Dalhousie.*)

#### COMMITTEE.

House in Committee (according to Order).

Clause 1 (Amendment of s. 3 of 43 & 44 Vic. c. 35).

On the Motion of Lord ABERDARE, Amendments made, in page 1, line 23, by leaving out ("or taken"); line 25, by leaving out ("or taking"); line 27, by leaving out ("or taken"); by leaving out lines 28 and 29.

LORD WALSINGHAM, in moving, in page 1, line 18, after ("repealed")

*Lord Colville of Culross*

to insert ("save and except any wild bird named in the schedule annexed unto the said Act"); and after line 29, to insert:—

"(3.) Provided always, that the present Act shall not apply to any wild bird named in the schedule annexed unto the Wild Birds Protection Act, 1880,"

said, that if the Act passed in its present shape it would be practically doing away with all protection to wild birds, and particularly wild duck, snipes, and plovers. His Amendments would leave to owners and occupiers of land the right to dispose of such birds as they had now a right to kill on their own ground, such as rooks, pigeons, and so forth; but they would tend to maintain the protection extended to wild fowl and other birds named in the schedule of the Act of 1880.

EARL DE LA WARR said, he understood the noble Earl to say that foreign wild birds could be sold under the Act unless it was amended, and that would open the door to selling native birds.

THE EARL OF ABERDEEN said, he agreed that unless some Amendment of this kind were made the Act might be evaded and the birds left unprotected.

*Amendment agreed to.*

The Report of the Amendments to be received *To-morrow*; and Bill to be *printed as amended*. (No. 166.)

#### ROYAL UNIVERSITY OF IRELAND— THE SCHEME OF THE SENATE.

##### QUESTION.

EARL CAIRNS, who had the following Notice on the Paper:—

"To ask Her Majesty's Government Whether the scheme for the organization of the Royal University, Ireland, has been presented to this House, and, if so, why it has not been printed; and whether, before any Bill is introduced affecting the surplus funds of the Irish Church an estimate will be laid before Parliament of the amount which will be appropriated for the Royal Irish University, showing the expenditure estimated under separate heads?"

said, since he had given Notice of this Question, he had ascertained that the scheme for the organization of the Royal University was presented by the Senate to this House in the last Parliament; and that, although it was not printed at the time, copies had been supplied to the House since then. He would, therefore, confine his Question to the latter

part of the Notice. What he wanted to ask the Government was this—a scheme had been prepared and money would be required to work it. No statement had been made as to the amount which would be appropriated. He should like to ask whether the Government could produce any estimate of the amount of money which would be required to carry out the proposed scheme?

LORD CARLINGFORD said, before answering the Question of the noble and learned Earl, he should like to say one word about the nature of the scheme. It did not appear, as he understood it, that the scheme had any binding force whatever upon anyone. He did not understand that the scheme had any legislative character whatever. It was, of course, of great importance on account of the information which it conveyed to the Government and to Parliament, but no legislative power was contained in the scheme. It was possible that the germ of legislation would be found in it; but the matter must come before Parliament in the shape of statutes, rules, and orders, which would be made by the Senate of the University as soon as they were aware of the means which would be at their disposal; and, under the Act of Parliament of 1879 and under the Charter, these rules and orders, before they had any validity, would require the Royal Assent under the Sign Manual, and would have to be laid before both Houses of Parliament. Thus by the provisions of the Act of Parliament and the Charter, both the Government and Parliament would have very ample means of control over the action of the University. If, indeed, the scheme had anything in it essentially objectionable, or if the Senate of the University had violated the conditions laid down in the Act of 1879, it would before now have been the duty of Her Majesty's Government to make objections, and the Senate would have no power of revising the scheme or of presenting a new scheme; but, as a matter of fact, Her Majesty's Government had not found it necessary to make any objections of the kind. All that could be said against the scheme, he thought, was that there was, perhaps, a certain amount of largeness in it, an apparent want of limit, which, it might be, would require some notice and control on the part of the Government. He thought



the noble and learned Earl did not need to have much occasion for alarm, because the Government and Parliament had control over the rules and orders which might be hereafter made with respect to the standard of examination; and if that standard was not sufficiently high it would not be accepted. The prizes would depend upon the standard to be selected, and the standard would be included in the rules and orders. The Government would shortly be prepared to lay before Parliament, both in their Lordships' House and in the House of Commons, a communication with the Royal University, stating the sum which the Government would propose to Parliament as sufficient for the University, and expressing the views of the Government upon the scheme and the allocation of the funds. At the same time, he would say that he thought it would not be well to pledge the Government as to details in a matter of this kind. He thought that the document which he should shortly be able to lay before Parliament would plainly show what was the opinion of the Government on the subject, and he believed it would satisfy the noble and learned Earl and others who felt interested in the matter.

EARL CAIRNS said, he quite agreed with the noble Lord that the scheme communicated by the Senate had no binding effect of itself; but, of course, if the Government were to present that scheme to Parliament, and to accompany it with a request that Parliament would provide out of the Church Surplus, or any other fund, a certain amount of money to give effect to that scheme, that would, of course, be an endorsement, in the first place, by Her Majesty's Government, and, in the second place, by Parliament, of the scheme of the Senate. If the Government were able to lay the communication on the Table, it would be so far satisfactory.

LORD CARLINGFORD said, that was what he understood. The Government and Parliament would be perfectly free to deal with the rules and orders of the University when they came before them.

LORD EMLY said, he had put a Question the other evening to his noble Friend the Lord Privy Seal as to whether the Government would undertake to put the Senate of the Royal Irish University in a position to hold their matriculation examination during the present year.

*Lord Carlingford*

His noble Friend stated that the Government would do so; but he thought there was some misapprehension out-of-doors on the subject. He would be much obliged if his noble Friend would now repeat the statement he made the other evening.

LORD CARLINGFORD said, he was not aware how there could be any doubt about his words. He had said that it was the intention of the Government within a very short time to bring in a Bill for the purpose of simply charging an annual sum on the Irish Church Fund for the Royal Irish University.

House adjourned at a quarter past  
Six o'clock, till To-morrow,  
Eleven o'clock.

## HOUSE OF COMMONS,

*Monday, 18th July, 1881.*

MINUTES.]—NEW MEMBER SWORN—Alexander Asher, esquire, for the Elgin District of Burghs.

SUPPLY—considered in Committee—CIVIL SERVICES, £1,685,600—Class II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS; Class III.—LAW AND JUSTICE; Class IV.—EDUCATION, SCIENCE, AND ART; Class V.—FOREIGN AND COLONIAL SERVICES; Class VI.—NON-EFFECTIVE AND CHARITABLE SERVICES; Class VII.—MISCELLANEOUS; REVENUE DEPARTMENTS, £660,000.

PUBLIC BILLS—Ordered—First Reading—Seed Supply and other Acts (Ireland) Amendment [217].

Second Reading—Public Loans (Ireland) Remission \* [212]; Veterinary Surgeons [214]; Metropolitan Board of Works (Money) [204]; Incumbents of Benefices Loans Extension [213].

Committee—Land Law (Ireland) [135]—R.P.

Committee—Report—Third Reading—Metallic Mines (Gunpowder) \* [196], and passed.

Third Reading—Turnpike Acts Continuance \* [206], and passed.

Withdrawn—Bankruptcy \* [137].

## QUESTIONS.

PIERS AND HARBOURS (IRELAND)—  
BUMATROSHAN PIER.

MR. O'DONNELL asked the Financial Secretary to the Treasury, in reference to works on Bumatroshan Pier, co. Donegal, If he could state what is the

amount of the contract for this work; the date at which contractor was bound to complete work; the total amount actually paid to contractor; and the several amounts paid on account of such works, and to whom and for what such amounts were paid; if the work is yet completed; and, if not, how soon it will be; if time of contract has already run over; and, in this case, if Board of Works will levy any penalties; if any extra works besides those mentioned in contract have been ordered to be executed by the contractor, the nature of such works, and the price paid or to be paid for them; and, how soon the extra works, amounting to £980, mentioned in Return 244, will be commenced, as the people in the district are in sore need of employment?

**LORD FREDERICK CAVENDISH:** Sir, the amount of the contract for this work was £1,900, and £1,898 has been paid to the contractor, besides which only some £16 has been paid for expenses. The work is all but completed, although the contract time does not expire until the 1st of October next. Extra works were required to the value of £68; on the other hand, there were savings of £70. The extra works referred to in the last paragraph of the Question will, I am informed, be commenced immediately.

**LAW AND JUSTICE (IRELAND)—  
WATERFORD TRINITY SESSIONS.**

**MR. O'DONNELL** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the recent Trinity Quarter Sessions for the city of Waterford and for the division of Lismore, county Waterford, were legally fixed for the 20th June and 1st July respectively; whether accordingly the suitors in all cases before the court, with their witnesses and the professional gentlemen who practise at those sessions, attended in due course to transact their business; whether the sessions were immediately adjourned, notwithstanding that no notice had been given to the public of any intention to adjourn the court; whether this was done solely to suit the convenience of the county chairman, Mr. Waters; whether this gentleman, being chairman of the county Waterford, was recently appointed chairman of the amalgamated counties of Cavan and Leitrim; whether his appointment in this double capacity

has not caused the utmost inconvenience to the two districts so remote from each other; whether immediately on being appointed to Cavan and Leitrim, Mr. Waters attempted to adjourn the Easter Quarter Sessions there in the same way; whether, notwithstanding that several weeks' notice of the adjournment was duly given, the Law Officers of the Crown did not decide that such a course was quite illegal; whether this attempt at adjournment was accordingly abandoned in consequence of the remonstrances in this House of the county Members; whether the adjournment of the sessions for the county Waterford is equally illegal; and why it was that no previous notice of the intended postponement was afforded as in the Leitrim case; whether Mr. Waters, having been made aware that his action, re Leitrim, was illegal, gave no notice of postponement to prevent protest; if so, what notice the Government propose to take of Mr. Waters' conduct; and, whether the appointments in question are in the gift of the Lord Chancellor?

**THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON):** Sir, the first four Questions involved in this inquiry relate to the Trinity Sessions of this year for the City of Waterford and for the Lismore Division. The City of Waterford Sessions were fixed for the 23rd of June, and held on that day by the County Court Judge, who disposed of all the business. The Lismore Sessions were fixed for the 1st of July, and held on that day by the County Court Judge, who disposed of all the business in which there was any attendance, and then adjourned the Sessions to the 8th of July. This adjournment was necessitated by the public exigency, because the County Court Judge had to sit elsewhere; it was not for his convenience. Previous notice was given to the practitioners, and I am not aware that inconvenience was occasioned by it. With respect to the last eight Questions, Mr. Waters, the County Court Judge of Waterford, was transferred in December last to the County Court group of Cavan and Leitrim, then vacant by the death of the Judge, and as Waterford cannot at present be united to the counties with which it is to be grouped, Mr. Waters, whose counties were as near as those of any Judge who could have been appointed under the Statute, was appointed tempo-

rery County Court Judge of Waterford. These appointments are not in the gift of the Lord Chancellor. No attempt was made by Mr. Waters to adjourn the Easter Sessions in Cavan and Leitrim, and no opinion given by the Law Officers on such attempt. What occurred was this—The dates were altered by a Privy Council Order; but the hon. Member for Leitrim (Mr. Tottenham) drew attention to the circumstance that sufficient time was not given for service of certain classes of process, and the dates were accordingly altered by a subsequent Order. The adjournment of the sessions for the division of Waterford was legal and pursuant to statute, and I am not aware of anything illegal in the action of the County Court Judge.

MR. TOTTENHAM asked whether the sessions at Lismore and at Carrick-on-Shannon were not fixed for July 1st, at the same hour; and also whether the Chairman of Leitrim, instead of coming at 12 o'clock on the 1st, came at 1 o'clock on the 2nd?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON): I am afraid I cannot answer the Question now. I will inquire, if the hon. Member desires it.

MR. O'DONNELL asked where Mr. Waters was sitting on the day appointed for holding the sessions at Lismore?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON): I am not certain which of the divisions in the group it was, and therefore cannot answer specifically; but if the hon. Member desires to know, I will ascertain.

#### NAVY—H.M.S. "VANGUARD."

MR. O'SULLIVAN asked the Secretary to the Admiralty, If it is true that after Captain Coppin was refused the extension of time asked for the lifting of H.M.S. "Vanguard," that he then wrote to the Admiralty on the 3rd of December 1878, offering to purchase the ship as she lay for the sum of ten thousand pounds, and to give security therefor in the usual way as soon as the offer was accepted; and, if so, why was the offer so made refused which thereby entailed a loss of ten thousand pounds to the Country?

MR. TREVELYAN: Sir, on the 19th of October, 1878, Captain Coppin offered to purchase the *Vanguard* for £10,000, and to pay for her in 90 days from date

of acceptance of his offer, providing the "customary contract sureties." The usual practice in sales is to require cash, but Captain Coppin was requested to furnish the names, addresses, and callings of the gentlemen who would be willing to stand sureties for the payment of £10,000 in three months. On the 14th of November he declined to do so, on the ground that acceptance of his offer should precede the production of his sureties. The experience which the Admiralty had had in their previous relations with Captain Coppin—an experience which I related the other day—led them to consider his proposal unsatisfactory. I need not remind the House of the grave inconveniences that might arise if a Government Department was to give bargains out of which money might directly or indirectly be made to persons of whose financial position they were not assured.

#### ARMY—DECEASED SOLDIERS' EFFECTS.

MR. FRASER-MACKINTOSH asked the Secretary of State for War, If he can explain why the pay and effects of Robert Maclean, private 72nd Foot, who died at Cabul 6th December 1879, have not been paid to the father of the deceased, notwithstanding several applications, and that the War Office instructions are very plain on the point of delay in such cases?

MR. CHILDERS: Sir, in reply to my hon. Friend, I do not think that the delay in this case has been so great as might appear. Private Maclean died in Afghanistan, and his regiment did not return to India till the end of 1880. It is not possible, with due regard to the interests of the man's representatives, to dispose of a soldier's effects until they can be bought at a fair price; and this cannot often be got on active service, or until the return of the regiment. The account in this case is expected daily, and the proceeds will be duly dealt with; but I cannot say that there has been no delay, and I have called for explanations. If it is not satisfactory, the responsible officer will be censured. I may repeat what I have said before in the House, that the instructions on this subject are quite precise, and that I intend to take serious notice of every case of non-compliance.

*The Solicitor General for Ireland*

STATE OF IRELAND—SHERIFF'S SALE  
AT RED CROSS.

MR. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that a force, consisting of a resident magistrate, two officers, and seventy-two policemen, was sent down to a Sheriff's Sale at Red-cross, in the county Wicklow, on the 30th June, in direct opposition to the publicly expressed desire of the sheriff, Mr. W. H. Brownrigg; whether his attention has been called to a correspondence printed in the "Daily Express" newspaper between the sheriff, the secretary of the Emergency Committee, and the solicitors of the Rev. Mr. Johnson, the landlord, at whose suit the sale took place; whether he has noticed the following passage in the sheriff's letter of 1st July:—

"As I anticipated, the entire amounts of the respective writs were willingly and peaceably paid, not as the result of the attendance of the Emergency Committee, but the good faith and honesty of the parties I had to deal with, and of which I was well assured before I wrote the letter your article referred to. I cannot help adding that in my mind such unnecessary displays of physical force are calculated to inflame the minds of the people, and add very much to the difficulties of the sheriff in the proper discharge of his duties;"

and, whether he will inform the House on whose information or application, and by what authority, the county of Wicklow has been subjected to the expense consequent on the movement of this force?

MR. W. E. FORSTER, in reply, said, that the hon. Member was asking this Question under a misapprehension. There would be no expense to the county of Wicklow for the movement of the force. From information received, the Government had reason to believe that but for the precautions taken there would have been a serious disturbance at the sale.

FRANCE—THE FRENCH MARRIAGE  
LAWS.

MR. LEEMAN asked the Secretary of State for the Home Department, Whether, having regard to the misery and distress arising out of the dissimilarity now existing between the English and French Marriage Laws, Her Majesty's Government will introduce a measure rendering it incumbent upon any legally authorised person celebrating a marriage

in Great Britain or Ireland between English and French subjects to require proof of compliance with the French Marriage Laws?

SIR WILLIAM HARCOURT: Sir, we have done all we could in the matter by making as public as possible the provisions of the French Marriage Laws, and warning persons against the risks of marrying French subjects in this country; but I do not know that we could go to the extent of making persons who celebrate marriages in this country enforce the conditions of a foreign law.

MR. LEEMAN asked the Under Secretary of State for Foreign Affairs, Whether, having regard to the misery and distress constantly occurring through the dissimilarity between the French and English Marriage Laws, Her Majesty's Government is prepared to recommend to the Government of France such a modification of the French Marriage Laws as shall in future prevent English Women being entrapped into marriage with Frenchmen only to be dishonoured and cast off at will?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government appreciate the serious nature of the results of the French law in regard to marriages contracted by English women with French subjects, but do not consider that it would be of any practical use to ask the French Government to propose to the French Parliament to alter the law.

EVICTIONS (IRELAND)—MRS. BLAKE'S  
ESTATE AT RENVYLE.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received information in reference to the estate of Mrs. Blake, at Renvyle, to the effect that her tenants, John Heany and Patrick Heany, are under sentence of eviction for one year's rent, these tenants being clothed in rags, having all the appearance of starvation, and dwelling in wretched cabins; whether it is a fact that the majority of the tenants on the estate have as their only food Indian meal, and, in some cases, a little milk; and, whether he still adheres to the statement that the tenants have potatoes for sale? The hon. Member further asked whether the Chief Secretary had seen a letter written by Mr. William Thompson, who was the Special Correspondent of "The

Standard" last year in Ireland, concerning the statements made by Mr. Bernard Becker, the Special Correspondent of "The Daily News?"

MR. W. E. FORSTER, in reply, said, that he had seen the letter referred to; but before seeing it he had ordered special inquiries to be made into this subject, and he must therefore ask the hon. Member to put the Question off for a few days.

MR. T. P. O'CONNOR said, he had put the Question upon the Paper several days ago, and that it was practically a repetition of one to which he had got an answer which proved to be incorrect.

MR. W. E. FORSTER thought that if the hon. Member said the answer was incorrect, he was taking matters for granted. He wished the inquiry should be made by some person not living on the spot, and had thus been obliged to give some time to it.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. J. A. MACAULAY, A PRISONER UNDER THE ACT—CONDITIONAL RELEASE.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. T. A. Macaulay, a matriculated student in arts of the Queen's University, confined under the Coercion Act in Kilmainham Gaol, was on the 9th instant informed that he would be released on signing a document then presented to him; whether Mr. Macaulay refused to sign; whether he is still detained in gaol; if so, whether he is now confined for refusing to sign this document, or for being "reasonably suspected;" if the latter, would he state on what grounds the Government proposed to release him; if the former, whether there is anything in the Coercion Act authorising the Government to keep a man in gaol for refusing his signature to conditions; whether, in consequence of Mr. Macaulay's refusal, it is intended to keep him the full eighteen months in gaol; and, if it is the fact that, after his refusal to sign, he was dismissed by the prison doctor from the hospital where he previously was, and sent back to his cell?

MR. W. E. FORSTER: Sir, Mr. Macaulay was offered his release if he would sign the undertaking now usually signed by such persons on their release.

*Mr. T. P. O'Connor*

His release was offered him chiefly on account of his health, and partly because it was considered safe for the public peace to set him at liberty. But he refused to sign the undertaking, and consequently he is still detained in prison. When I read to the House what the undertaking is, I think the House will understand that a refusal upon the part of prisoners to sign it is proof that it is not safe to release them. It is simply this—

"I ——— now a prisoner in ——— Jail under the Protection of Person and Property (Ireland) Act, hereby undertake, on being released from custody under the said Act, not to commit any treasonable practices or to commit any act of violence or intimidation against any of Her Majesty's subjects, or in any manner, directly or indirectly, to incite others to the commission of such an act; and I hereby acknowledge and I shall be liable to be re-arrested if I fail to comply with this undertaking."

It is an argument against liberating a man that he refuses to sign such a document. On the 11th, Mr. Macaulay and two others were discharged from the infirmary, but his discharge had no connection with his refusal to sign the document.

MR. HEALY asked whether it was not the fact that Mr. Macaulay said he would not sign, because that would have been an admission of guilt; and if he was suffering, as the Chief Secretary had admitted, as he was about to release him on account of ill health, from some form of pulmonary disease?

MR. W. E. FORSTER: Sir, I am not aware that he made such a statement, and I do not see how he could have made such a statement. The document is purposely drawn up so as to avoid giving the impression that there is any acknowledgment of guilt in signing it. Such an impression is an extraordinary one, and on consideration it will be seen that it is a mistaken one. As to the state of his health, I am informed that he was well enough to be discharged from the infirmary, and that is all the information I have.

MR. HEALY asked how, if Mr. Macaulay was not well enough to be kept in prison, he was well enough to be discharged from the infirmary and sent to a cell, and whether it was the intention of the Government to keep him in prison till the end of the term?

MR. W. E. FORSTER said, the idea of this man—

**Mr. HEALY:** This gentleman. He is a matriculated student.

**Mr. W. E. FORSTER,** resuming, said, the idea of Mr. Macaulay on this matter had nothing to do with the question of his release. The reason for offering him his release was the condition of his health; and, secondly, because it was deemed safe for the public peace to release him; but his extraordinary refusal to sign the undertaking rather removed the latter impression.

#### JAMAICA — ADMINISTRATION OF THE LAW — FLOGGING.

**Mr. FIRTH** asked the Under Secretary of State for the Colonies, Whether his attention has been called to a sentence of fourteen days' imprisonment and twenty lashes with the cat, recently passed by Judge Ernst in the Northern District Court of Jamaica upon a man named Evans, charged with stealing a dogwood tree of the value of two shillings; whether it is the fact that such imprisonment and flogging were inflicted, but that afterwards upon an appeal to the Court of Appeal, the judgment was reversed, and the Court held that there was no right to inflict flogging for such an offence; and, whether the conduct of Judge Ernst has been reviewed, or Evans compensated; or whether it is proposed that either of these things shall be done?

**Sir CHARLES W. DILKE,** in reply, said, his attention had been called to this subject by paragraphs in the newspapers, and those paragraphs confirmed and fully bore out the statements contained in the first two branches of his hon. Friend's Question. No Report had been received from the Colony on the subject, but a Report had now been called for.

#### THE NEWFOUNDLAND FISHERIES — FRENCH RIGHT OF FISHING.

**Captain AYLMER** asked the Under Secretary of State for Foreign Affairs, What is the present position of the question between this Country and France as to the west shore of Newfoundland; and, if the statement in the "Standard" is correct that the French Commandant on the Coast expressed his approval of the conduct of the residents there in resisting the officials of the

Newfoundland Government in the execution of their duty?

**Sir CHARLES W. DILKE:** Sir, a Commission consisting of Admiral Pierre, representing the French Government, and Admiral Miller, representing Her Majesty's Government, is now sitting in London for the consideration of the questions which require settlement in connection with the French rights of fishery on the coast of Newfoundland. The French Commandant appears to have expressed the opinion that the residents in St. George's Bay are not liable to the payment of Customs duties to the Newfoundland Government. Explanations have been asked for, and it is not yet possible to state precisely what has occurred.

**Captain AYLMER** asked when it was likely that Papers on the subject would be laid on the Table?

**Sir CHARLES W. DILKE** said, that the Commission had been now sitting for three months, and he did not know when its labours would be concluded. He was not, therefore, in a position to give an answer to the Question.

#### LANDLORD AND TENANT (IRELAND) ACT, 1870 — THE BESSBOROUGH COMMISSION.

**Sir WILLIAM PALLISER** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Report of Lord Bessborough's Commission was altered after the 4th of January last, the date on which it was signed, in consequence of the study by the Commission of the rebutting evidence subsequent to that date; and, if so, what alterations were introduced; and, whether he will request the Commission to supply the dates of the "Statements in reply to or in explanation of evidence," as well as the dates at which those statements were received back from the printers?

**Mr. W. E. FORSTER,** in reply, said, he had no information which would enable him to answer the Question, and did not know that he had any authority to call upon the Secretary to the Commission for any explanation on the subject. The Question ought to be addressed to the hon. Member for the County of Cork (Mr. Shaw), who was a Member of the Commission, and would, no doubt, be perfectly ready to answer it.

**CUSTOMS—CLERKS IN THE WAREHOUSING DEPARTMENT.**

MR. LALOR asked the Financial Secretary to the Treasury, Whether, in the event of the contemplated changes in the Warehousing Departments of the Customs leading to the displacement of any of the Upper Division or Redundant Clerks, the Government will make every effort to provide them with suitable clerical situations, either in the proposed Department of Agriculture and Commerce, should it be formed, or in other branches of the Public Service; and, whether the Government will ask Parliament for power to grant to those clerks who may have to retire similar terms of retirement to those recently granted to the clerks of the Admiralty and War Office?

LORD FREDERICK CAVENDISH: Sir, in the event of the contemplated changes in the Warehousing Departments of the Customs leading to the displacement of any of the clerks, the Treasury would much prefer providing for such clerks by transfer rather than by pension on retirement. The Superannuation Act provides for the case of clerks compulsorily retired; and there is, consequently, no intention of applying to Parliament for additional power.

**ARMY (AUXILIARY FORCES)—THE WORCESTER MILITIA.**

MR. A. MOORE asked the Secretary of State for War, Whether it is true that three Subaltern Officers of the Worcester Militia, anxious to present themselves for examination for the Line in September, are debarred from so doing by reason of not having completed their second training previous to 1st July; whether these officers were informed by the Adjutant of the Regiment that he had distinct instructions from the War Office to the effect that they might be permitted to train with their Regiment in July, and present themselves for examination in September, this having been done in a similar case in the previous year, and that consequently they need take no steps to train with another Regiment at an earlier date; whether the adjutant has since written to the War Office acknowledging that he was the cause of the whole mistake; and, whether these young officers are to suffer in consequence of the mistake of their

superior officer, notwithstanding that they took the proper course and made the necessary inquiries?

MR. CHILDERS: This is a very peculiar and difficult case. Under the plain directions of the Army Circular, dated January 1 last, subaltern officers of Militia desiring to compete for direct commissions must complete two trainings before the date at which their applications should be received, and this date for the September examination is the 1st of July. The colonel and adjutant of the Militia battalion of the Worcestershire regiment appear to have acted in direct contravention of this Regulation, and to have misled the officers concerned, who have represented that they made every inquiry, and who seem to have been prepared to complete their training with other regiments. Under these circumstances, I have decided that if, on further inquiry, the Commander-in-Chief should be satisfied that the allegations of these officers are borne out, and blame attaches solely to the colonel and adjutant, the latter shall be severely censured, and the Regulations will be relaxed in this as a very special and exceptional case.

**ARMY—WIDOWS' PENSIONS—THE NEW ROYAL WARRANT.**

MR. J. COWEN asked the Secretary of State for War, If in previous Warrants treating of pensions it was provided that a pension might be awarded to the widow of an officer who was twenty-five years younger than her late husband should the officer have lived for seven years after the marriage; and, will he in the new Warrant provide that the wives of those officers who have married previous to the 1st July 1881 may be allowed the same advantages as they would have possessed under the old Warrants?

MR. CHILDERS: Yes, Sir; any officer's widow who married him before the 1st of July instant will, in this respect, retain any claim she might have had under former Warrants.

**ISLANDS OF THE WESTERN PACIFIC—THE SOLOMON ISLANDS—PUNISHMENT OF NATIVES.**

MR. RICHARD asked the Secretary to the Admiralty, Whether he can state by what authority Commodore Wilson

despatched Captain Maxwell with Her Majesty's ship "Emerald," to attack the inhabitants of the Solomon Islands; whether Her Majesty's Government approve of the manner in which the attack was carried out, when, according to Captain Maxwell's Report, without preliminary inquiry into the alleged guilt of those assailed, without any resistance on the part of the natives, flourishing villages were burned, crops were destroyed, fences were levelled, large numbers of the cocoa-nut trees were cut down, and houses shelled, although these houses did not, in one instance at least, even in the opinion of Captain Maxwell himself, belong to the culprits against whom the expedition was nominally directed; and, whether hostilities have been concluded with these islanders, or whether any further attack is in contemplation?

MR. TREVELYAN: Sir, Commodore Wilson, when he despatched the *Emerald*, acted in communication with, and with the full approval of, Sir Arthur Gordon, the High Commissioner of the South Pacific. I am bound to state a fact which is not referred to in my hon. Friend's Question. The *Emerald* was sent in consequence of five different outrages, in which 27 unoffending people, including a woman, had been barbarously murdered in cold blood. In the case of the *Sandfly*, we have reliable evidence now in England that the Chief whose tribe butchered our people was thoroughly aware that they belonged to a race which did not encourage, but had, as far as its power would go, suppressed the abuses of the labour traffic. As a result of the expedition, only one life, so far as we know, was taken; but acts of war of a very rigorous nature were inflicted, the only method of checking and punishing these outrages which at present exists. Her Majesty's Government regret that no other method exists, and are doing their best to find one; but they believe that Commodore Wilson and Captain Maxwell did their best under the very trying circumstances in which they were placed. No further acts of war are in contemplation; but two of Her Majesty's ships, the *Cormorant* and the *Beagle*, are now in and about the Island, with Mr. Romilly, a Deputy Commissioner, on board, and Mr. Romilly will visit all the principal trading and mission stations in those seas.

MR. GORST asked whether the House was to understand that Sir Arthur Gordon, the Governor of New Zealand, had authority from Her Majesty's Government to declare war upon the inhabitants of the Island in question?

MR. TREVELYAN said, that Sir Arthur Gordon undoubtedly had authority to send a ship of war to exact retribution for violence of the nature to which reference had been made.

MR. O'DONNELL asked if the hon. Gentleman's attention had been called to a passage in the Report of Captain Maxwell, which stated that troubles were not infrequently caused by the violence of the captains of so-called trading vessels?

MR. TREVELYAN, in reply, said, that, undoubtedly, several outrages had been caused owing to the conduct of the captains of trading vessels; but it was well known that, so far as this country was concerned, the abuse of that traffic had been entirely brought to an end. The outrages to which he referred were, he repeated, committed when it was known quite well that the people attacked had no connection with this traffic.

#### ROYAL UNIVERSITY OF IRELAND—DEGREES.

MR. O'SHAUGHNESSY asked the Chief Secretary to the Lord Lieutenant of Ireland, What are the steps necessary to place the Royal University of Ireland (in the words of the eleventh section of "The University Education (Ireland) Act, 1879,") "in a position to confer degrees;" when it is proposed to take those steps; if, having regard to the interest felt in Ireland in the working of "The University Education (Ireland) Act, 1879," Her Majesty's Government will proceed to arrange for the dissolution of the Queen's University within the time primarily fixed for its dissolution by the eleventh section of the Act, namely, before the 27th April 1882, when two years will have elapsed from the date of the charter of the Royal University; and, if, for the guidance of the large number of young men who desire to matriculate in the Royal University as soon as possible, he will inform the House whether the Royal University will hold a matriculation examination before the close of 1881?



MR. W. E. FORSTER, in reply, said, that by the 10th section of the Universities Act rules were made by the Senate which must have the approval of Her Majesty. The Senate would not be able to place the Royal University "in a position to confer degrees" without funds; but Lord Carlisle was just about to introduce a Bill into the House of Lords to facilitate the carrying out of this object. By the 11th section of the Act referred to the Queen's University could not be dissolved until the new University was in a position to confer degrees. The holding of a matriculation examination depended upon the passing of the Bill he referred to; but he hoped one would be held before the close of the year.

#### THE INDIAN VERNACULAR PRESS ACT, 1878.

MR. SUMMERS asked the Secretary of State for India, Whether he is able to give the House an assurance that "The Vernacular Press Act, 1878," will be repealed without any unnecessary delay?

THE MARQUESS OF HARTINGTON said, the only answer he could give to the hon. Member was to refer him to the Despatch of the Government of India, dated 28th February last, which had been laid on the Table of the House. In that Despatch it was stated that the Act in question would be repealed on the re-assembling of the Government of India early next winter.

#### MALTA—TAXATION—FOOD AND GRAIN TAXES.

MR. MAC IVER asked the Under Secretary of State for Foreign Affairs, If it is true that the entire cost of the Military Services of His Excellency the Governor, who is at the same time the Commander of the Garrison, is cast upon the Maltese; whether it is true that the native inhabitants are subjected to taxation upon food from which Her Majesty's Government claim exemption in respect of the British garrison and of the fleet; if the attention of Her Majesty's Government has been called to a petition from the inhabitants of Malta to this honourable House which was presented a few days ago; and, whether it is intended by Her Majesty's Government to give any, and what, attention to the prayer of that petition?

SIR CHARLES W. DILKE, in reply, said, the Governor General of Malta received, out of the military funds voted by Parliament, pay and allowances amounting to £1,000 a-year. The rest of his emoluments were defrayed by the Colony of Malta. There were taxes on grain imported into Malta, which the Government had desired to see reduced or abolished. This tax was not levied upon food imported for the Military Service. This was the ordinary practice in the Colonies. Lord Kimberley had not yet had an opportunity of perusing the Petition presented to the House on Friday last from the inhabitants of Malta; but another Memorial, which was believed to be identical, had been received at the Colonial Office, and would at once be considered. The subject of the reduction or abolition of the tax upon grain was also being considered.

#### LAW AND JUSTICE—THE MAGISTRACY —CORNISH MAGISTRATES.

MR. BRYDGES WILLYAMS asked the Secretary of State for the Home Department, Whether, now that his attention has been called to the very serious charge brought in his Report by the Inspector of Metalliferous Mines for Cornwall, Devon, &c. against "a very large number" of the magistrates for the county of Cornwall, and which reads as follows:—

"On looking down the list of fines, one cannot help being struck by the fact that most of them are absurdly small. It almost seems that some magistrates think more of the life of a pheasant than they do that of a man, for I believe that if a similar number of convictions for poaching cases were taken at random, the average fine would be greater;

"The fact is, a very large number of the magistrates are interested directly or indirectly in mining. Many of them are owners of mining property, and have been troubled by repeated notices to fence dangerous abandoned shafts, and have thereby been put to considerable expense, some indeed have been prosecuted for neglecting to attend to these notices, others are shareholders in mines in the district, and, as such, are not disposed to look favourably upon Government restrictions which they think may interfere with their profits. As a natural consequence fines have on the whole been light, and the inspector's labours have been increased considerably;

"If the offences had been punished with greater severity, mine agents would have attended to the provisions of the Act with much more diligence. I am convinced that this mistaken leniency on the part of the magistrates leads to a delay in carrying out all the pro-

visions of the Act, and thereby tends to keep up the death rate from accidents ;”

and, whether he will cause immediate and searching inquiry to be made as to the truth or otherwise of the charge, and, in the event of the allegations made in the Report not being substantiated, whether he will relieve the Inspector from further service in his present capacity ?

MR. A. VIVIAN asked the Secretary of State for the Home Department, Whether, in making so serious a charge against the Magistrates as that contained in the Mines Inspector's Report for Devon and Cornwall, and quoted by the honourable Member for Stafford yesterday, he, the Mines Inspector, should not have substantiated and justified it by actual facts, and that as this was not done, whether he will not now call upon him to do so, and will lay such further Report upon the Table of the House ?

MR. MACDONALD said, that before these Questions were answered he had another to ask. He wished to know whether, in the event of the charges made by the Inspector being substantiated, he would direct the attention of the Lord Chancellor to the fact, with the view of having every magistrate in the county of Cornwall who valued human life at not more than 5*s.*, or 7*s.* 6*d.*, or 10*s.* to be removed from office ?

SIR WILLIAM HARCOURT said, he was not surprised at this Question, because the Report of the Inspector involved a very serious charge. He would not weary the House by going into the Report ; but he might just mention two of the examples given by the Inspector in support of his charge, in one of which a fine of 5*s.* had been imposed for an offence at a place where no other offence had been previously reported, while in the other, for the filling-in of a facing, the fine was only 10*s.* There were other cases in which the fines were only 2*s.* and 2*s.* 6*d.* Upon these facts the Inspector had made the charge in question, and in the circumstances he (Sir William Harcourt) considered that the matter was one deserving of further inquiry, and he had called for a special Report from the Inspector on the matter.

#### STATE OF IRELAND—AGRARIAN CRIME IN KERRY.

MR. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ire-

land, Whether his attention has been directed to the charge of Mr. Justice Lawson in opening the Kerry Assizes on the 13th instant, wherein he states that there have been 155 agrarian offences in the county since the Spring Assizes ; whether he is correctly reported to have said as follows :—

“ The character of these offences is still more alarming, when they came to look into every case, because they consisted of outrages of a most dreadful kind—crimes upon persons, property, cattle, houses. And, in fact, he could only say that the picture they presented was really and truly an appalling one, and demonstrated that the reign of law in this county is practically suspended and superseded by some other different authority ;”

And, whether, in view of the oft-repeated assertions to the same effect by Her Majesty's Judges and others best qualified to form an opinion, the Government intend to take such action, in the interests of the Country, as shall no longer permit the Land League to terrorize peaceable and well-disposed subjects of the Queen ?

MR. O'DONNELL rose to Order. The Question of the hon. Member for the County Leitrim conveyed very serious imputations ; and he (Mr. O'Donnell) wished to ask Mr. Speaker whether it was not in its terms contrary to the Standing Orders of the House ? These statements were in reference to the Land League, to which Judge Lawson did not refer in any way in the speech from which the hon. Member for Leitrim quoted. He wished to ask whether these statements made by the hon. Member against the Land League did not require to be proved before they were asserted as facts in a Question in this House ?

MR. T. P. O'CONNOR said, he rose to a point of Order also. He would venture to recall to the memory of Mr. Speaker the fact that a similar attempt was made by the hon. Member for the County Leitrim on a former occasion to drag in debatable matter respecting the Land League, and his Question was ruled out of Order.

MR. SPEAKER : My attention has been called to this Question by the hon. Member for the City of Cork (Mr. Parnell). I examined it, and it has been, to a considerable extent, revised at my direction by the Clerk at the Table. At the same time, I think that, having quoted the extract from the Charge of the Judge, the passage to which objec-

tion is taken is naturally the consequence of that Charge.

MR. T. P. O'CONNOR rose to a point of Order. [*Cries of "Order!"*]

MR. SPEAKER: The point of Order has already been settled.

MR. T. P. O'CONNOR: But I wish to raise another point of Order, and to ask whether, in the quotation from the Judge's Charge, any allusion whatever, by name or implication, is made to the Land League?

[The Speaker did not reply.]

MR. W. E. FORSTER: Sir, I have seen the Report to which the hon. Gentleman the Member for County Leitrim (Mr. Tottenham) refers. I am no better able to state than the hon. Member is whether it is correct. The Judges, as I have often stated in this House, furnish no official Report of their Charges; but, having seen it in several newspapers, I have no doubt in my own mind that it is a correct report. The quotation in the hon. Gentleman's Question says that Judge Lawson states that there have been 155 agrarian offences in Kerry since the Spring Assizes. I do not find that he said agrarian offences. I believe what he said was very serious offences. As regards the last quotation, I can only say that this statement of Judge Lawson and some other similar statements have occupied, and do occupy, the serious and anxious attention of Her Majesty's Government; and we are using our best endeavours, with the powers which the law has placed in our hands, to protect person and property and prevent intimidation.

LORD RANDOLPH CHURCHILL asked whether the Chief Secretary for Ireland would cause to be procured, and lay on the Table of the House copies of Judges' Charges at the recent Summer Assizes in Ireland?

[No answer was given to this Question.]

#### TURKEY--ASIATIC TERRITORIES OF THE SULTAN.

MR. FITZPATRICK asked the Under Secretary of State for Foreign Affairs, Whether it is not a fact that representations have been made to Her Majesty's Government by the British Embassy at Constantinople, stating that it is advisable to increase the Consular Staff in

Asia Minor; and, if so, what the intentions of Her Majesty's Government are on this subject; and, whether, having reference to Article I. of the Constantinople Convention, dated June 4th 1878, Her Majesty's Government propose to take any steps for the introduction of reforms into the Asiatic territories of the Sultan?

SIR CHARLES W. DILKE: Sir, no such representations have been made. Her Majesty's Government will continue, in concert with the other Powers, to urge upon the Porte the introduction into the Provinces inhabited by Armenians of the improvements and reforms stipulated by the 61st Article of the Treaty of Berlin, and also to counsel the introduction of reforms throughout the Ottoman Empire.

#### BULGARIA (POLITICAL AFFAIRS).

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a Reuter's telegram from Sistova, published yesterday, in which Prince Alexander is reported to have said, in addressing the Diplomatic Body accredited to Bulgaria, "I thank you for the lively sympathy you have displayed towards me during the Crisis;" whether Mr. Lascelles, Her Majesty's Representative in Bulgaria, did display "lively sympathy" with the Prince in his endeavours to replace the Constitution by seven years of personal power; and, whether, if he did not do so, or if he did so without instructions, Her Majesty's Government will take steps to acquaint the Prince as to the views of the Government in regard to his recent proceedings?

SIR CHARLES W. DILKE: Sir, I have seen the telegram to which my hon. Friend refers. Mr. Lascelles has not, as far as I am aware, displayed lively sympathy with the recent proceedings of the Prince. The action of Her Majesty's Government and of Mr. Lascelles will be shown by the Papers which will be presented to the House as soon as a full report of the last proceedings has been received and considered. Any further communications to Prince Alexander will be in favour of His Highness exercising with moderation and liberality the powers which have been intrusted to him by the Assembly.

*Mr. Speaker*

MR. J. COWEN asked the Under Secretary of State for Foreign Affairs, whether it was to be understood from the answer that he had given to the hon. Member for Northampton that Her Majesty's Government approved or disapproved of the action taken by the Prince of Bulgaria in suspending the Constitution and establishing personal rule, and whether the intimation that had been served on him meant that if he did not conduct the affairs of his State with their approval, they would withdraw Her Majesty's Representative?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government have not been called upon to express, as to the main portion of the action of the Prince, either approval or disapproval. They expressed their opinion with regard to the constitution of the Military Courts in Bulgaria, and their general attitude will be seen by the Paper, which will almost immediately be laid upon the Table.

MR. T. P. O'CONNOR asked the hon. Baronet whether the Prince had given orders for the opening of letters addressed to private individuals?

[No answer was given to this Question.]

#### METROPOLIS—ST. JAMES'S PARK— DAMAGE TO THE TREES.

MR. MONK asked the First Commissioner of Works, Whether his attention has been directed to the serious injury done to many of the trees in St. James's Park on the side nearest to the Bird Cage Walk by large heaps of rubbish having been deposited against them; whether he is aware that many of those trees are dead, and that others are dying; by whom, and with whose authority, the rubbish has been so deposited; and, whether he is prepared to take immediate steps for the preservation of the trees which are still suffering from the formation of the mounds about them?

MR. SHAW LEFEVRE, in reply, said, this "rubbish," which consisted of the mud taken from the bottom of the lake in Buckingham Palace Gardens, was placed in St. James's Park 13 years ago, and as its removal would cost £2,000, and the trees which it was supposed to injure were now hopelessly be-

yond recovery, he did not think it worth the expenditure to remove it.

#### CHARITABLE TRUSTS BILL.

MR. FIRTH asked the Secretary of State for the Home Department, Whether it is his intention to proceed with the Charitable Trusts Bill during the present Session; whether he is aware that, when the Bill was before the House of Lords, there were many petitions presented against it from corporate bodies throughout the Country, such petitions having been procured through the agency of the Corporation of London; and, whether, in view of similar proceedings being repeated, he can state whether there is any statutory or other authority justifying the expenditure of municipal funds in promoting through the Country an agitation against Bills in Parliament?

MR. PULESTON asked whether the suggestions reflecting on the Corporation in question were in Order?

SIR WILLIAM HARCOURT, in reply, said, he was very anxious, of course, to proceed with the Charitable Trusts Bill. He should have thought that measure was one which would not have met with serious opposition, and any which had arisen was, he imagined, due to an entire misapprehension of the scope of the Bill, which was only to remove some obstacles to the action of the Commissioners. He had no official knowledge of the course which the Corporation had taken in this matter; but one of the objects of the Bill being to deal with the evils of the parochial charities, he should think the Corporation of London would be exceedingly ill-advised if they were to make themselves the champions of a maladministration of public funds.

#### ARMY—THE ARMY HOSPITAL CORPS.

MR. O'DONNELL asked the Secretary of State for War, Whether he is aware that the officers of the Army Hospital Corps, more than fifty in number, who have enjoyed the rank of Captains and Lieutenants down to the present, consider themselves to be cruelly wronged by the proposal to reduce them to the position of Hospital Quartermasters under the new Organisation scheme; and, whether he will consider the case of this body of most deserving officers,

who have all earned and obtained their promotion by merit?

MR. CHILDERS: Sir, the hon. Member for Dungarvan cannot have been in the House when I answered a similar Question on Thursday last. He is in error in supposing that the rank of captain has been taken from these officers. On the contrary, what was relative rank has now become honorary rank, which, as I before stated, is really better, so far as their social and military status is concerned. As to the "cruel wrong" done to these officers, I do not suppose that any one of them would prefer his former title, rank, pay, and pension to what the Warrant gives him. I have no intention whatever to alter the Warrant in this respect.

#### LAND LAW (IRELAND) BILL—DEFINITION OF THE TERM "TOWN PARK."

MR. HEALY asked Mr. Attorney General for Ireland, Whether there is any legal definition for a "town park" in Ireland; if so, what it is?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, a legal definition of the term "town park" was given in the Land Act of 1870. It must consist of not less than four acres, be called a "town park," and belong to the residents in the town.

#### THE COMMISSIONERS OF PUBLIC WORKS (IRELAND)—REPORT FOR 1880-81.

MR. ARTHUR O'CONNOR asked the Secretary to the Treasury, If the Report of the Commissioners of Public Works (Ireland) have submitted to the Treasury their Report for 1880-81, if he can say when the same will be presented to Parliament; and, whether the requirements of the 12th s. of the 1 and 2 Will. IV. c. 33, in respect of Account of Proceedings of the Commissioners have been complied with, as also the requirements of 5 and 6 Vic. c. 89, s. cxxix.?

LORD FREDERICK CAVENDISH: Sir, the Report in question was presented on the 7th of July, and a Copy of it is in the Library. It will, I hope, be generally distributed before long. Of the two sections of Acts named in the latter part of the Question, the latter has been repealed and the former is more than complied with by the existing practice in rendering accounts and making reports to the Treasury.

*Mr. O'Donnell*

#### SOUTH AFRICA—NATAL — PROMISED LIBERATION OF LANGALIBALELE.

MR. SUMMERS asked the First Lord of the Treasury, Whether Her Majesty's Government will consider whether the time has not arrived when Langalibalele might be justly and safely permitted to return to Natal?

MR. GLADSTONE: Sir, it is quite correct to suppose that my noble Friend the Secretary of State for the Colonies was desirous to have ordered the release of Langalibalele; but the very serious dangers which have arisen from complications with the Natives have forced him to the conclusion that it would not be prudent to order him to be set free until a more settled state of affairs arises. The particular district to which this Chief belongs has not been agitated, but it is the neighbourhood of those which have been agitated, and, therefore, the Secretary of State for the Colonies could not assume the responsibility of setting him free; but he very heartily desires the arrival of a time when such a step could be taken.

#### RIVERS CONSERVANCY AND FLOODS PREVENTION BILL.

MR. EVANS WILLIAMS asked the First Lord of the Treasury, Whether, considering that the number of Amendments on the Notice Paper to the Rivers Conservancy and Floods Prevention Bill show that Bill to have the character of "contentious business," it is intended now to proceed further with the Bill?

VISCOUNT FOLKESTONE asked the First Lord of the Treasury, Whether, considering the amount of opposition that will be given to the passing of the Rivers Conservancy and Floods Prevention Bill, he intends to proceed with that measure this Session?

MR. GLADSTONE: Sir, I have really nothing to add to what I have said in reference to this subject on a former occasion. The question is a very serious one for the districts concerned, and it is extremely desirable that these districts should be brought under some central control by legislation; but until we get further advanced with the Public Business, or, at all events, until we get clear of the Land Bill, it is not possible for me to give any further answer on the subject.

CURRENCY — INTERNATIONAL MONETARY CONFERENCE AT PARIS—BI-METALLISM.

MR. WILLIAMSON asked Mr. Chancellor of the Exchequer, If he will cause an English translation of the proceedings of the Monetary Conference at Paris, prior to its recent adjournment, to be printed without delay for the information of the commercial and manufacturing classes throughout the Country?

MR. GLADSTONE: Yes, Sir; we shall be prepared to order the documents to which the hon. Member refers to be printed with an English translation.

CURRENCY—THE SCOTCH CHARTERED BANKS.

MR. MACLIVER asked the First Lord of the Treasury, If the Government is prepared to carry out the proposal made to the Scotch Chartered Banks for replacing their private issue of notes by a public issue framed to meet the special requirements of Scotland; and, whether a similar provision will be made for England in any future legislation on the subject?

MR. GLADSTONE: Sir, this Question refers to a subject of great interest in Scotland, and is of considerable importance as a matter of principle. I am afraid that I cannot undertake to give an answer on the subject, until we may see our way a little as to the time when we may be able to act. On subjects of this kind it is not desirable to announce positive intentions on the part of the Government until the time when they can be acted on. I may, however, say that undoubtedly the convictions, intentions, and desires of the Government are in the direction indicated by the hon. Member's Question.

SIR STAFFORD NORTHCOTE: I do not know whether the right hon. Gentleman can answer the Question without Notice; but I should like to know whether it is true that the Scotch unlimited banks have agreed to re-register under the Companies' Act of 1879? I see it has been mentioned in the papers.

MR. GLADSTONE: Yes, Sir; we are inclined to believe that is so; but we have not any official information on the subject.

SIR STAFFORD NORTHCOTE: I will put a Question on the subject in a day or two.

COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

MR. J. K. CROSS asked whether it was true, as stated in the newspapers of to-day, on the authority of *The Republique Française*, that England had admitted, without contest, the principle of specific duties, and demanded the renewal of the negotiations?

SIR CHARLES W. DILKE: Sir, the statement that has appeared in several newspapers seems to suppose that there has been some communication on the subject since the French Commissioners left this country. That is not the case; but we are expecting a communication from the French Government which was foreshadowed by the Commissioners. Nothing has taken place since they left England.

LAND LAW (IRELAND) BILL—THE COMMISSION.

MR. GLADSTONE: I beg to give Notice that I shall move to insert in Clause 34 of the Irish Land Bill, the clause constituting the Commission, the following names:—As Judicial Commissioner, Mr. Serjeant O'Hagan; and as other Commissioners, who are to be on a footing of equality with the Judicial Commissioner, Mr. Edward Falconer Litton, the Member for Tyrone, and Mr. John E. Vernon, of Mount Merrion, Booterstown.

MR. O'DONNELL: I beg to give Notice that on the discussion on the 34th clause I shall take a division against every one of the names.

WAYS AND MEANS—INLAND REVENUE—FORGED STAMPS (IRELAND).

MR. A. M. SULLIVAN asked Mr. Attorney General for Ireland, whose name all missed with sorrow from the list which had been just read, Whether he had seen the statement in the newspapers that there had been a discovery in Dublin of very serious frauds with regard to stamps and legal forms; whether it was correct that several thousands of legal documents were now invalid, having been used by officials; and, whether he would recommend the Government to bring in a short Bill to legalise the documents in question?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he had

seen the statement; but he had no official information on the subject. If the statement was true, the subject deserved consideration, and he would draw attention to it.

#### INDIA—THE INDIAN ARMY STAFF.

In reply to an hon. MEMBER,

THE MARQUESS OF HARTINGTON said, that the conditions of service for the Staff in the Indian Army differed in many respects from those of officers in British regiments in the Indian Artillery, and in the Engineers—some to their advantage, and others to their disadvantage. It was not desirable to assimilate their conditions. There was no intention, in revising the scale of offices in the Indian Army, to make any changes in the conditions under which they were at present.

#### THE PARKS (METROPOLIS).

SIR THOMAS BATESON gave Notice of his intention to ask the Chief Commissioner of Works whether his attention had been called to the deplorable condition of Rotten Row, owing to clouds of irritating dust; whether he would explain the reasons for the cessation of almost any attempt to allay the dust by watering the ride, especially in the morning; and, whether, when the Irish Land Bill had passed through Committee, he would undertake to consider seriously the desirability (taking into consideration the present low prices of iron) of laying down piping alongside the ride, with hydrants at proper intervals, on the same principle as has been so successfully adopted in Paris?

#### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [TWENTY-NINTH NIGHT.]

[Progress 15th July.]

Bill considered in Committee.

(In the Committee.)

#### PART VI.

#### COURT AND LAND COMMISSION.

#### Appointment and Proceedings of Land Commission.

#### The Attorney General for Ireland

Clause 42 (Rules for carrying Act into effect).

Amendment again proposed, in page 24, line 16, after the word "of," to insert the word "judicial."—(Mr. Healy.)

Question proposed, "That the word 'judicial' be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) stated that he proposed to withdraw from the clause the sub-section giving the Commissioners power to make rules for regulating civil bill processes on ejectments and for recovery of rent. He would then move the introduction at another place of a clause enabling the Lord Chancellor and the five County Court Judges to make the rules required.

MR. GIBSON said, he did not consider the proposal satisfactory, and that the clause as it stood was sufficiently clear and distinct. An Amendment was put down a few days ago by the hon. Member for the County of Wexford (Mr. Healy) to remove the sub-section, and the proposal was met by the Attorney General for Ireland proposing a kind of compromise. It was not proposed to strike out the whole thing, and he admitted that that left the matter in a very illogical position; but what was the substitute now proposed by the right hon. and learned Gentleman? He proposed that the Lord Chancellor and five County Court Judges should make rules in reference to this matter. That was not satisfactory. Why should it not be enacted that every County Court Judge should have the same power as to serving process the moment the Bill passed as the Superior Court had? That would be clear and intelligible and immediate; but the plan suggested would be contingent, uncertain, and remote. There was nothing whatever to compel the County Court Judges to make these rules. There was nothing to indicate when they were to meet, and their duties might prevent their meeting for many months. That created an element of uncertainty; but the right hon. Gentleman balanced all that by the absolute certainty of insuring that the moment the Bill passed, whether the rules were made or not by the County Court Judges, the landlord who appealed to the Superior Court as to the serving of processes should be compelled to undergo

the chances of being denied all his costs. He did not think that was fair or reasonable, and until there was something more satisfactory he should prefer the easy and intelligible simplicity of the existing drafting of the Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) explained that there was no more obligation imposed by the clause on the Commission to make rules than on the Judges. It simply provided that the Commission might make rules, and that the Chairman of the County Courts might. The only doubt entertained hitherto was a doubt as to whether it covered the 79th section. He thought those doubts were hardly justified; but the Government proposed to remove them by a declaratory clause, and that was the only object of the Amendment he had now proposed. He recommended the hon. Gentleman to withdraw the Amendment at present before the Committee, and the Government would strike out the clause; but they must in one way or other get rid of that which really ought to have no place in the clause at all.

LORD RANDOLPH CHURCHILL wanted to know whether, if this Amendment were withdrawn, it would be competent for the Attorney General for Ireland to move the Amendment he proposed, because the Committee had now arrived at the word "of" in the 16th line, and he submitted it was not competent for the Attorney General for Ireland to go back to line 15.

MR. WARTON wished to raise the same point, and desired the Committee to remember the fact that they had passed all the words down to the word "or" in line 16.

THE CHAIRMAN: The only Amendment which has been proposed hitherto was to insert the word "judicial." Unless that is withdrawn there can be no proposal to omit the words under consideration; but if it is withdrawn the Committee can, no doubt, go back to the last Amendment.

LORD RANDOLPH CHURCHILL said, that was not the point he wished to raise. The Chairman had called the Amendment of the hon. Member for Wexford in line 16, and the Attorney General for Ireland had intimated that if that were withdrawn or decided upon he would ask the Committee to go back to line 15 and omit the words from the word "the"

to the word "rent." He (Lord Randolph Churchill) submitted that was wholly and completely out of Order.

THE CHAIRMAN: As far as I recollect, the original Amendment was to leave out lines 15 and 16; that was withdrawn, and afterwards an Amendment was moved to introduce the word "judicial" before the word "rent." If that is pressed to a division it will be impossible to strike out those lines; but if the Amendment is withdrawn it will be possible.

LORD RANDOLPH CHURCHILL: Then I may as well say I shall not allow the Amendment to be withdrawn.

SIR STAFFORD NORTHCOTE: Of course, if my noble Friend objects to the withdrawal of the Amendment the question cannot be put in the form suggested by the right hon. and learned Attorney General for Ireland; but on the merits of the point I wish to say that while I do not like to interfere with questions of a technical character, it is of the very greatest importance for the working of this Bill that there should, concurrently with the new system, when it comes into operation, be a means and a certainty that those means should be used for the making of proper arrangements for the serving of processes, because we cannot help feeling that a great part of all the troubles and outrages of which so many complaints have been made, and which have so deeply struck the public mind, have arisen from attacks made on process-servers. We shall all agree that if we are to have this legislation, which is sure to lead to increased litigation, we should have, at all events, some advantages, and especially this advantage, which should at once be secured, of the introduction of a better system of serving processes. It seems to me that this is a consideration which must have been present to the mind of the Government and to the mind of the draftsman when this clause was drawn, because, whereas in every other part relating to the Commission it is said that they are to take this or that step or proceeding "under this Act," with regard to the serving of civil bill processes, they are not confined by any such limitation, and the power is given to them generally. It is not difficult to see that in reference to the general working of the system it would be desirable and not unnatural



that this power should be given to the Land Commission, and that they should exercise it. My right hon. Friend has pointed out that that power can be more conveniently and quickly exercised if you intrust it to the Land Commission than if you allow it to stand over and be dealt with as the Attorney General for Ireland suggests—in a clause to be put upon the Paper. It seems to me there is great reason and force in that suggestion. We know the great object of bringing this Court into operation would be frustrated to a considerable extent if opportunities are still left for collisions such as we see so much cause to lament between the people and process-servers. Even the hon. Member for the County of Cork (Mr. Shaw), who has never used violent language in regard to this point, has told the people that he felt his blood boil when he saw process-servers going about; and we do not want to have the blood made to boil by process-servers going about. If any improvement in the manner of serving can be devised, I think we should act most reasonably if we retained this sub-section as it was originally drawn by the Government and placed in the Bill; and if subsequently, when we get on with the remainder of the Bill, the Government can suggest any other method equally effective and rapid of carrying out the object in view, it would be possible to consider it and, if necessary, subsequently to amend the clause; but we should not part with these words, which are really valuable, inasmuch as they show it is the intention of the Government to preserve the spirit of the recommendation of my right hon. and learned Friend.

MR. W. E. FORSTER said, he agreed with the right hon. Baronet that the present system of serving processes was most disadvantageous; but he doubted whether the method now proposed to deal with the matter was the best, and whether it would not almost certainly lead to disaster. The right hon. and learned Member for the University of Dublin (Mr. Gibson) had thought the matter a perfectly clear one; but he (Mr. W. E. Forster) was bound to take the advice of the Legal Advisers of the Government, and they told him it was not perfectly clear, and that if the Bill were passed in the form in which it now stood, one of two things might happen

—either that the Land Commission, in reading the words of the preamble of the clause, would not consider that a mere omission of the word "Act" would give them the power which it was urged they would have, or if they did, and they made rules and regulations for the serving of these notices by other Courts than themselves, and if, in consequence, a landlord acted under those rules and the tenant subsequently disputed his right to do so, and said—"You were not acting legally," he (Mr. W. E. Forster) was informed that an interesting law suit would probably arise, and that that law suit might, after all, be decided against the new rules and make them of no avail. He was perfectly willing to admit that there had been a mistake in the drafting, which the Government ought to have found out before; but he thought they would be to blame if, with their eyes open, they incurred that danger of almost certain litigation, which might entirely defeat the object they had in view. He thought the better plan would be to let these words now be withdrawn and to permit his right hon. and learned Friend to bring up a clause, and then would be the proper time for taking a discussion upon it.

MR. HEALY said, he thought the little arrangement which had evidently been come to between the two Front Benches must really have been rehearsed, and certainly the Tory Party ought to be delighted with the concession they had got from the Government, especially as the skilful Member for the University of Dublin had succeeded so well in his obstructive course. Now that he had been so successful, no doubt the right hon. and learned Gentleman wanted to get something more out of the Government; but he (Mr. Healy) would like to remind those who sat on the Front Bench that there were other sections of the House, insignificant though they might be, who intended to make themselves heard, and who were deeply interested in this question. He wished to remind the Government of what took place on Friday night. On that occasion he (Mr. Healy) moved an Amendment striking out these two lines. The Government said, fairly enough, through the Attorney General for Ireland, that it would not be desirable that the Court should not have the power in the case of

*Sir Stafford Northcote*

a judicial rent. He (Mr. Healy) at once accepted that suggestion, and moved an Amendment inserting the word "judicial" before rent. The right hon. and learned Member for the University of Dublin (Mr. Gibson) spoke against the proposal; but the Government put up man after man to defend the Amendment, and the Chief Secretary for Ireland—though without much enthusiasm, for he knew he was defending something his heart was not in—gave his argument, and the Solicitor General for England did the same. The Tory Party then, in the exercise of the function they were always happy to use when it suited them, moved that Progress be reported. When the Irish Members did that, they were accused of wasting the time of the House; but it was very different when a Member of the Tory Party proposed such a Motion. What did the Chief Secretary say? Why, that the Government must take a division. But did they take it? No; because several others got up and made it perfectly clear that they would keep the right hon. Gentleman and his Colleagues here all night. Then the Chief Secretary, seeing that there was a spirit of accommodation among hon. Members below the Gangway, gave up. Now, the Government, seeing that the Tory Party had made a demand, and were strong enough to impose it upon the Government, had asked the Government to recede from their position and to accept an Amendment which was a sop to Cerberus. But what would happen if the proposal were accepted? The proposal now before the House would, no doubt, pass in "another place;" but what security would they have that "another place" would not throw out the clause suggested by the Attorney General for Ireland, and when the Bill came back to this House in the genial days of August, when there were only some two or three score persons present, what guarantee had they that the Government would provoke a legislative crisis by sticking to the words which they had offered as a sop to the Irish Members? There was no guarantee whatever. Let the Government stick to the arguments which they thought so strong on Friday. What had happened since? Why, the right hon. Gentleman had consulted the Prime Minister. When the Irish Members suggested

that the Prime Minister's absence was inconvenient, on a former occasion, they were told that they were insulting him; that he was taking his necessary rest; but now, when right hon. Gentlemen on the Front Bench spoke of it, there was no insult suggested. Oh, no; that came from the Tory Party, who were, of course, infallible, and whose actions were at all times to be approved. They had in the Attorney General for Ireland a man who sympathized with the tenant; but the Prime Minister was the evil genius of this Bill, as far as the acceptance of Irish Amendments were concerned, because they found that, whenever the Tories wanted an Amendment accepted, they wanted the Prime Minister present; but whenever the Irish Members wanted to have an Amendment of theirs accepted, they wanted to have the Prime Minister absent. He put it to the Government whether, seeing that this Amendment had been accepted, not by any single Member of the Government, but by three of them, all in a bunch, on Friday, they would not now stick to the words that they themselves proposed?

SIR GEORGE CAMPBELL said, it seemed to him that the course which the Government proposed was entirely logical. The proper course was, as the words now in the Bill were not within the scope of the clause, that they should be left out; but if the Amendment was not to be withdrawn, the best course for the Government to take was the course they proposed the other evening, and when a new clause was proposed these words could be struck out.

MR. PARNELL said, that, as the noble Lord the Member for Woodstock (Lord Randolph Churchill) would not allow the Amendment to be withdrawn, the hon. Member for Wexford (Mr. Healy) would be obliged to go to a division upon it. He regretted very much that the Government should, by the course they had taken to-day, have mixed up two questions. He agreed it was desirable that there should be power to frame special rules for the service of processes and resuming possession of holdings in the case of tenants who came into Court and applied to the Court to fix a judicial rent. But the other proposal which came from the Front Opposition Bench—namely, that there should be an

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amendment of the County Officers and Courts Act of 1877, would necessarily introduce a great variety of controversial matter into this portion of the Bill which was entirely beyond its scope. It would be better if the Committee would agree to the Amendment of the hon. Member for Wexford. The Committee should bear in mind that it was evidently the intention of the draftsman that this power should only have reference to judicial tenures, and that the extension to the Act of 1877 was not in the mind of the Government, or of the draftsman, when the Bill was being framed. They should also bear in mind that ejectment for non-payment of rent for yearly tenants did not exist in England at all; and if the Government accepted the invitation of the Front Opposition Bench, they would give a facility which did not exist in England at all.

MR. W. E. FORSTER said, he should prefer the omission of the sub-section on the understanding that they brought up a clause in accordance with the suggestions of the Attorney General for Ireland; but as they were not able to do that by the Forms of the House, unless the Amendment were withdrawn, they should vote for the insertion of the word "judicial," because they thought it was quite clear that the Government were open to the objection of not having found out the defect of drafting before, and that this clause should not contain any enactment as to the power of the Land Commission, other than those intended; they should, therefore, vote for the insertion of the word on the understanding that they would hereafter move to settle the matter in the way suggested by the Attorney General for Ireland, by proposing, at a future stage, the insertion of a sub-section.

Question put.

The Committee *divided*:—Ayes 214; Noes 102: Majority 112.—(Div. List, No. 310.)

MR. WARTON moved to insert, in line 25, after the word "Act," the words, "or any part of any Act incorporated herewith." The words, he said, occurred earlier in the clause, and ought obviously to be repeated here, in order to make the clause complete.

Question proposed, "That those words be there inserted."

*Mr. Parnell*

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he had no objection to the insertion of the words for the reasons stated by the hon. and learned Member.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 43 (Existence of Land Commission not to create vested interests).

LORD RANDOLPH CHURCHILL, in moving, in page 24, line 36, after "otherwise," to insert—

"No Commissioner or Sub-Commissioner appointed under this Act shall, during his continuance in office, be capable of being elected or sitting as a Member of the House of Commons,"

said, the words of his Amendment were taken from the Irish Church Act of 1869; and he hoped that, in moving them, he should have equal success with the hon. and learned Member for Bridport (Mr. Warton), who seemed always to be successful in getting his Amendments accepted by the Government.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW), said, he admitted the principle of the noble Lord's Amendment to be sound, and would himself incorporate it in a later clause of the Bill, as he proposed to withdraw the present one.

MR. WARTON said, the Amendment spoke of sub-Commissioners; it ought to be Assistant Commissioners.

MR. T. P. O'CONNOR wished to know, as a matter of Order, whether he was to understand from the right hon. and learned Gentleman the Attorney General for Ireland whether it was intended by the Government to propose to render it impossible for a Commissioner appointed under the Bill to sit as a Member of Parliament?

THE CHAIRMAN said, the question put was not relevant to the Question before the Committee, which was, not as to the capacity of Commissioners to sit in Parliament, but whether this particular clause be ordered to stand part of the Bill.

MR. HEALY wished to ask whether, if this principle was to apply to every official, it would not be better for the Government to make some statement as to how far the principle of superannuation on abolition of office would apply? Before agreeing to strike out the clause, he thought the Committee had a right

to information on this point—namely, as to the class of officers to whom superannuation allowances were to be made when the offices to which they had been appointed were abolished.

MR. GLADSTONE said, the Chief or Judicial Commissioner would, without doubt, be entitled to compensation or a pension in the circumstances referred to; but there would be no other person so entitled by virtue of the office which he held. The matter was, however, one worthy of consideration, and he thought that if it was left over until the Report it might probably be settled in a satisfactory manner.

SIR GEORGE CAMPBELL hoped it would be made clear whether the salaries to be fixed were to be held to include all titles to superannuation or compensation on the abolition of the offices which were held.

Clause, by leave, *withdrawn*.

#### PART VII.

#### DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

##### Clause 44 (Definitions).

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. LAW), Amendment made, in page 25, after line 5, by inserting "'county' includes a riding of a county."

##### Amendment proposed,

In page 25, line 14, after the word "landlord" to insert the following sub-section:—"The expressions 'limited owner,' 'tenant for life,' and cognate words used in this Act, shall, in addition to the interpretation of same given by the twenty-sixth and thirty-third sections of 'The Landlord and Tenant (Ireland) Act, 1870,' include the assignees, whether such by operation of law or otherwise, or any such limited owner or tenant for life, and the said 'Landlord and Tenant (Ireland) Act, 1870,' shall be for the future read and be held to apply in all respects in the same manner as if this extended definition of the above expressions had been there originally inserted in both said twenty-sixth and thirty-third sections thereof."—(*Mr. Findlater*.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL for IRELAND (Mr. LAW) said, he could not assent to the introduction of the words proposed by the hon. Member, if for no other reason than that they were rendered unnecessary by other provisions of the Bill which had been inserted in order to answer the object which the hon. Member desired to attain.

MR. GIBSON said, the matter was far wider than his right hon. and learned Friend considered it to be. It was asked that anyone who came under the operation of the law should have all the powers given to a tenant for life or to a limited owner. A man, who might be a petty shopkeeper in a neighbouring town, might be given the immense powers conferred under this Bill. The matter would not stand argument. He did not object to the courteous undertaking of his right hon. and learned Friend to consider the matter before Report; but he hoped the result of that consideration would be to leave the matter very much as it was.

Amendment, by leave, *withdrawn*.

MR. HEALY, in moving, in page 25, to leave out lines 24 to 27, and insert—

"Present tenancy means a tenancy subsisting at the time of the passing of this Act. For the purposes of this Act any tenancy created within two years after the first day of January, 1882, shall also be deemed to be a present tenancy, and shall be subject to all the provisions of this Act which are applicable to such a tenancy. 'Future tenancy' means a tenancy beginning after the first day of January, 1885,"

said, he did think it would be a very hard thing that after this Act passed there should be no such thing created as a present tenancy. Yet that was what would be. Suppose a landlord desired to confer on his tenants a present tenancy under a new letting, he actually had not the power to do so. Surely the Government did not mean to say that if a landlord evicted a tenant, and put him back for good reasons, he could not confer on that man the right to go into Court and get back his status. What was wanted was in all the cases for which the Chief Secretary for Ireland had such sympathy that it should be in the power of the landlord to confer, if necessary, upon his tenants the right to have present tenancies—that was, the restoration of status. There were men who had suffered from bad years, and whose farms were lying idle. Was the landlord to be prevented by Act of Parliament from giving back these men their status? If the Government were now willing to settle the Land Question they must do something to quiet the existing state of things in Ireland. There were hundreds of farms lying vacant; but he hoped it was the aim of the

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Government that in time equitable conditions would be patched up between landlord and tenant. No one could think it was desirable, under the Bill as it at present stood, that the landlord should be shut out from giving back to the tenants the status they had had hitherto. The Conservative Party would recognize the justice of that proposal equally with hon. Gentlemen opposite. Another thing he would like to say was that suppose this Bill passed on the 31st of August, a man to whom land had been let would be a present tenant; but if a man took land on the 1st of September he would not have the right or status of a present tenant. The relations of landlord and tenant were rent asunder. There were standing dangers in consequence; and it was very desirable that the landlord should have the right of conferring something like present tenancy. What advantage was it to a man who was in arrears to be told that he had six months' equity of redemption. That man would be in no better position to pay his arrears at the end of six months than at the present time. Probably he might be in New York, in the slums of Liverpool, or on the plains of Manitoba. The Government should, at least, give the men who were now wandering about homeless some chance to make conditions and terms with their landlord. Perhaps he was proposing a little longer period than the Government could accept. Perhaps they would give 12 months or a year and a-half; but, at least, let them give something like hope to those who were now being driven out without hope.

#### Amendment proposed,

In page 25, leave out lines 24 to 27, and insert "Present tenancy means a tenancy subsisting at the time of the passing of this Act. For the purposes of this Act any tenancy created within two years after the first day of January, 1882, shall also be deemed to be a present tenancy, and shall be subject to all the provisions of this Act which are applicable to such a tenancy. 'Future tenancy' means a tenancy beginning after the first day of January, 1885."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he was willing to receive with indulgence many suggestions; but this Amendment was out of place. Its proper place would be in the next clause. It was distinctly an enacting Amendment, and this was

*Mr. Healy*

simply a defining clause. As to the arguments of the hon. Member, he might say that the principal point was the proposition that the landlord should have the power, if he thought fit, of conferring a present tenancy on his future tenant. By the insertion of a few words in the Bill, the object of the Amendment might be attained, and the Government were quite disposed to entertain the proposal, or to make a proposal for attaining the object.

MR. HEALY said, he quite recognized the force of what the Prime Minister had said as to the wrong place; and if it was considered desirable that he should move the Amendment in another place, he would do so. Might he ask if it was the intention of the Government to make the proposal themselves?

MR. GLADSTONE said, that, on the part of the Government, he could not say that they could accept the whole of this Amendment.

MR. MACFARLANE said, he hoped the Government would consider, when the time came, on Clause 45, the desirability of making it a little wider than was proposed in the Amendment.

Amendment, by leave, *withdrawn.*

MR. J. N. RICHARDSON said, he proposed to move an Amendment in the interest of farmers principally in the North of Ireland, who had erected upon their holdings, either they or their predecessors, scutch mills for the purpose of scutching flax, for which the farmer in the North of Ireland was noted. This was not by any means a manufacturing process. It was in the nature of the process of a threshing machine, or as a man threshed corn before carrying it to the market. Formerly, until 15 years ago, or a little more, this scutching of flax was done by the family of the farmer on winter nights, by the use of wooden knives, and that was how it was principally done in Belgium at the present time. But gradually the power of water came into use. Farmers erected these scutch mills, first of all with two or three handles or revolving pins to scutch the flax for themselves. Then they gradually commenced to scutch for their neighbours also. He found from the Returns of last year that there were 1,182 scutch mills in Ireland, of which 1,140 were in Ulster. Most of these

mills were built in Ulster on the faith of the old Ulster Custom, because it was to the interest of the farmer and to the interest of the community that flax should be grown. Before 1870 they felt secure; but since 1870, on account of their fear that landlords would stand more upon their rights than formerly, they became very uneasy. But he must say for the landlords in the North of Ireland, that when they brought the matter before him, he did not find one single instance in which that Act had been taken advantage of. Now, when this Bill was coming into law, they were still more afraid that the landlords would stand upon their rights; and on account of the scutch mills not being actually suitable to the holding itself, they feared that advantage might be taken. A deputation from Ireland called on the Chief Secretary, at which he had the honour of being present; and he did hope the Government would allow some such words as those he was about to propose to go into the Bill in order to make the position of those industrious and enterprising farmers thoroughly secure.

#### Amendment proposed,

In page 25, after line 38, insert new paragraph "Improvements shall, in addition to the interpretation of same by section seventy of the Landlord and Tenant Act (Ireland), include any buildings or machinery erected on the holding by the tenant or his predecessors in title, for the purpose of rendering the agricultural produce of the holding or neighbouring holdings suitable for market."—(Mr. J. N. Richardson.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there was a great deal worthy of consideration in what the hon. Member had mentioned. The tenant ought to have the power of selling his holding as it stood, and nobody doubted that the construction of these mills was valuable. Still, he did not think this Amendment, as it stood, could be safely introduced; but if the hon. Member would trust him to take charge of it, he would see to the insertion of suitable words in the Report.

Mr. W. H. SMITH said, the 2nd section of the Act of 1870 defined an improvement to be a work which, being executed, added to the letting value of land on which it was executed if suitable for such land. They could not

go beyond these words. Either the work did add to the value of the land or it did not add to the value of the land. If it did, the tenant should be compensated; if it did not, it was very hard that it should be added to the liabilities of the landlord.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the apprehension that was felt was that the scutching mill, not being confined to the use of the holding, might be held not suitable for the holding.

COLONEL BARNE said, this appeared to him to be a fair Amendment. He did not like the words "for the purpose of rendering the agricultural produce of the holding or neighbouring holdings suitable for market." Although this machinery might be put up for the purpose of rendering the produce suitable for market, it might not have that effect; and, of course, it would be very hard to make the landowners pay for some machine put up by the tenant which might do more harm than good. If this Amendment was to be pressed he should move an Amendment to the Amendment, after the word "market," the words "will have the effect of." That would allow the Court to give full value to the tenant for the value of the mill, and would prevent the landlord from paying more than he ought to pay.

Mr. P. MARTIN said, he did trust the Government would accept the Amendment. It was most desirable that farmers should be stimulated and encouraged to develop small local industries. The limitations imposed by the definition in the Act of 1870 had been found to be most injurious. In some of the cases County Court Judges had been unwillingly compelled to deprive tenants of the benefits of expenditure made, on the ground that the buildings did not add to the letting value of the farm as an agricultural holding. If the landlord derived benefit from improvements made by the tenant, and these improvements were held to increase the letting value of the holding, in equity and justice, then, fair value ought to be allowed to the tenant. The argument was stronger in favour of the tenant, under the provisions of the present Bill, when such value was realized by sale and not by payment, as in the Act of 1870. It was a novel matter, and ought to encourage the Government to grant

the concession asked and thus supported from the Conservative side. If the right hon. and learned Attorney General for Ireland did not accept the whole of the Amendment, he trusted he would accept the suggestion of the hon. and gallant Gentleman on the other side (Colonel Barne).

MR. J. N. RICHARDSON said, that, on the understanding that suitable words would be introduced by the Attorney General for Ireland, he would withdraw the Amendment.

MR. GIBSON said, he did not understand that the Attorney General for Ireland undertook to introduce any words at all. He said he would consider the matter before the Report. Under the Land Act of 1870, everything was an improvement which added to the letting value of the land, and was suitable to the land. Was it reasonable to go beyond that? They were asking that that was to be regarded as an improvement which might not add to the letting value of the land, and was not necessary to the holding. They could not argue in a circle. As he understood, the Attorney General for Ireland left it open, and did not accept the Amendment. [THE ATTORNEY GENERAL FOR IRELAND (Mr. Law): I do not accept it.] In that case, he did not understand the position, because the hon. Member for the County of Armagh (Mr. Richardson) had said he had had the undertaking of the Government that they would introduce words that would have the effect of carrying out the principle of the Amendment he had moved. He (Mr. Gibson) did not know whether such an undertaking was given or not; but what he understood the Attorney General for Ireland to promise was merely that he would consider the matter before the Report, which was a much more hazy undertaking. As the law stood under the Act of 1870, everything was an improvement that, first of all, added to the letting value of the holding; and, secondly, that was suitable to it. If the completeness of this definition were challenged, he had a right to ask whether they challenged as incomplete the thing that added to the letting value of the holding, or that which was suited to the holding? No one desired to damage the Ulster tenant, or any other tenant, and he was merely testing the words in which this object was presented. Let them take it both from the tenant's point of view and from the

landlord's point of view. This was an Amendment that sought to include as improvements against the landlord any buildings or machinery that might have been erected, not necessarily for the holding itself, but which might have been put there as a speculation on the part of the tenant, who might have maintained it simply for his own profit, although it might not come within the definition of the Act of 1870, under which the landlord might be asked to pay compensation. Was this just to the landlord? Let them take the case of a future tenant. Was the landlord to be compelled to pay for things which were not suited to the holding; because, otherwise, it was not necessary to give the definition? The landlord might not succeed in getting an equally speculative tenant, or he might go into the market to look for a new tenant, and come upon a lot of men eligible to take the holding in its ordinary condition, but none of them willing to pay the extra amount in respect of the buildings and machinery erected by the speculative tenant, and that were not necessary to the holding. Another reason that ought to make the Government hesitate to accept the Amendment in its present shape was that the tenant might go into the market, and, if he met with an equally speculative tenant, might get, in addition to the purchase money, what might recoup him for his expenditure; and he thought he had a right to ask that the landlord should not be called upon to pay for what did not really come under the head of improvements. He would only add that he had not understood his right hon. and learned Friend the Attorney General for Ireland to undertake to alter the clause in the sense of the Amendment; and it was only because of the silence of the right hon. and learned Gentleman when the hon. Member for Armagh (Mr. Richardson) had put a different interpretation on what had been said, that he (Mr. Gibson) had thought it right to speak.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law) said, no landlord in Ulster had ever contested his liability to pay for as improvements such buildings as were contemplated by the Amendment.

LORD JOHN MANNERS said, the hon. and learned Member for Kilkenny (Mr. Martin) had stated that, in a county in the South of Ireland, there was a case in which a man had erected a very large

*Mr. P. Martin*

building for the storage of wood, not for the use of his own farm, but for his neighbours, and under the operation of the Act of 1870 he claimed compensation for that building, and compensation was not awarded to him. Such a building could do no possible good to the holding on which it was erected; and if the Amendment of the hon. Gentleman the Member for Armagh were adopted, the result would be that they would have a complete change in the Act of 1870, and all sorts of claims would be allowed which, under the present law were, very properly, disallowed. He must say that he thought the reasons alleged for the adoption of the Amendment constituted a very poor ground for so serious a change of the law, and he trusted that the right hon. and learned Gentleman the Attorney General for Ireland would, on re-consideration, consent to leave the law where it stood at present, and where, on the whole, it worked well.

MR. W. E. FORSTER said, he hoped the hon. Gentleman the Member for Armagh would withdraw his Amendment, in order that his right hon. and learned Friend the Attorney General for Ireland might suggest something that would meet the case.

MR. P. MARTIN said, before the Amendment was withdrawn, he wished to briefly comment on the statement just made. When the Bill was introduced, the noble Lord the Member for North Leicestershire (Lord John Manners), and others, had said that they would not be able to pacificate Ireland by improvements of the Land Act of 1870, but rather by the promotion of industrial enterprise among the Irish people; Yet, when an opportunity was now presented of stimulating the creation of local industries in Ireland by giving the tenants the right to claim for valuable buildings and machinery erected on their holdings in view of their well-founded apprehension that they would otherwise be deprived of their interest in that industrial enterprise under the definition of the present Land Act, the noble Lord opposed such a concession on the part of the Attorney General for Ireland. He trusted, however, that notwithstanding the opposition they had had put forward against the Amendment, the Attorney General for Ireland would adhere to what he had said. The right hon. and learned Gentleman had approved of a decision come to by Mr. Justice Lawson—a name

that ought to command the respect of the noble Lord—and if that were a wise decision as applied to Ulster, he (Mr. Martin) thought that now they were extending the Ulster Custom all over Ireland they ought to take care not to allow any words in the Definition Clause that would deprive the tenants of rights which were conferred on the Ulster tenants. The noble Lord spoke of the case of a wood store. He (Mr. Martin) would remind the noble Lord that these wood stores were used partly for the purposes of the tenants and partly for ensuring a supply of wood for their neighbours. Under the restricted Definition Clause of the Land Act of 1870, the tenant was deprived of all right to claim for such buildings, and he certainly trusted that the Attorney General for Ireland would not go back upon the assurance he had given that he would bring up on the Report of the Bill a form of words that would substantially put an end to what was rightly conceived to be a great grievance by tenant farmers.

MR. J. N. RICHARDSON said, he wished it to be clearly understood that it was only on account of the undertaking on the part of the right hon. and learned Gentleman the Attorney General for Ireland, that he had offered to withdraw his Amendment.

MR. H. R. BRAND objected to the proposed Amendment, and contended that the words of the Land Act of 1870 were quite sufficient. If the scutching mills that had been spoken of were additions to the letting value of the land, and were suitable to the holding, they would come within the definition of the Land Act, and if they did not come within that category the landlord ought not to be compelled to pay compensation; while, in the majority of cases, the tenant would be able to sell the buildings and machinery he had put up. Under these circumstances, he thought the better course would be for the Committee to negative the Amendment.

MR. GLADSTONE said, the general rule laid down by the Land Act of 1870 was perfectly safe, sound, and just; but here was a peculiar and exceptional case. He entirely approved of the pledge which his right hon. and learned Friend the Attorney General for Ireland had given to bring up a provision that would meet the case.



SIR GEORGE CAMPBELL hoped that some such provision would be added to the Bill, always provided there was an addition to the letting value of the property.

MR. MULHOLLAND said, the question was how the value was to be determined. The improvements were all against the incoming tenant, and in that case their market price would determine their value; but he did not see how the value was to be assessed as against the landlord.

MR. H. R. BRAND said, after the statement of the right hon. Gentleman the Prime Minister, he should not challenge the withdrawal of the Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *ordered* to stand part of the Bill.

Clause 45 Rules as to determination of tenancy).

MR. GIBSON said, he had put an Amendment on the Paper, but he had mentioned the matter before in speaking on the second reading of the Bill. It was maintained that this Bill was to be read as one with the Land Act of 1870; but he thought it would be seen that the last paragraph of the clause required amendment as a matter of drafting, in order that the intention of the Government might be fully carried out. He hoped the right hon. and learned Gentleman the Attorney General for Ireland would consider the matter before the Report.

MR. FINDLATER, on behalf of Mr. GIVAN, moved as an Amendment, in page 26, line 2, to leave out from the word "determined" to the word "whenever" in line 6. He said his object was to omit the provision that a tenancy should be determined whenever it was sold in consequence of a breach by the tenant of a statutory condition, or in case of a tenancy not subject to statutory conditions of an act or default on the part of a tenant which would, in a tenancy subject to such conditions, have constituted a breach thereof. It struck him as rather anomalous that a tenancy should be declared to be determined on a sale, when, in order to make his purchase of any value to the buyer, the tenancy should still exist. There was some amendment required if the words were to be retained.

Amendment proposed, in page 26, line 2, leave out from "determined" to "whenever" in line 6.—(*Mr. Findlater*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GLADSTONE said, he could not accept the Amendment, as he held it to be right and politic that a substantial breach of covenant should lead to the creation of a future tenancy. Future tenancies might arise in three ways—either from the resumption of the land by the owner, or from the exercise of his right of pre-emption, or from a breach of covenant on the part of the tenant. If there were to be future tenancies at all, it was quite as reasonable that they should result from the last cause as from either of the others, and he must decline to alter the Bill in this respect. It would, he believed, be found that the provision to which his hon. Friend objected would give the tenant a motive for the exact observance of his engagements. The Government were not, as at present advised, disposed to part with that portion of the clause.

MR. GIBSON said, the Government had intimated that it was their intention to recognize the early part of the clause, and preserve the substantial identity of the meaning. He understood that the Amendment was in manuscript, and he expected it to be carried out with the modification of the Chief Secretary's Amendment.

MR. HEALY regretted that the Prime Minister should have expressed himself in such strong terms with regard to this Amendment. He thought that freedom of contract was the *bête noire* of this Bill. The whole contention in Ireland had been caused by want of security of tenure, and by the exorbitant rents exacted by the landlords; and he certainly did not want to see those evils arising again and again in connection with future tenancies, and, therefore, he objected to the multiplication of these opportunities for contention in the manner proposed by the Government. The Government admitted the necessity in Ireland of some one to interpose between the landlord and tenant for the purpose of fixing rents, and that something like security of tenure was desirable for the great body of present tenants. He asked was not that also desirable for the

future tenants? He ventured to say that, within a few months after the passing of this Bill, hundreds of future tenancies would be created, which would give rise to more burning questions for English statesmen to deal with. He could not conceive why this system of freedom of contract was put forward by the Prime Minister. It appeared that if he (Mr. Healy) desired to buy a farm which was being sold for breach of statutory conditions, his tenancy would be a future tenancy. But that would not be what he wanted; he wanted a present tenancy—that was to say, something that would stand between him and future exactions on the part of the landlord.

SIR GEORGE CAMPBELL said, he regarded the provision sought to be struck out as a serious blot on the Bill. An earlier provision of the Bill provided that the landlord should receive rent and damages due from the tenant out of the purchase money, and that rule had been found to work well in the North of Ireland in the interest both of the landlord and tenant. But what did the Government propose in this clause? It was not only that the tenant should pay rent and damages, but that he should also forfeit his tenancy at the same time. The difference between present and future tenancies appeared to him enormous. The future tenancy was a tenancy from which a man might be turned out in a week, subject only to compensation for disturbance, and, so far as this clause was concerned, the landlord might continue this practice *ad infinitum*. But, although he wished to see the privileges of the future tenant enlarged, he was much more concerned with the position of the present tenants; and he confessed he viewed with great apprehension the words of the Prime Minister uttered that day, as well as on a former occasion, that this clause of the Act would have a wide operation. He understood from the Prime Minister, that, after having elevated the present tenants to a higher stage by the present Bill, it was intended to strew pitfalls in their way in order to entrap them into a lower position. The clause would bear very harshly on many of the smaller tenants who would not be able to fulfil the condition of paying the rent. He regretted that the Government did not see their way to making the desired concession.

MR. GLADSTONE: I know not how to interpret what has fallen from my

hon. Friend, except by supposing that he means that we ought to extend the intervention of the Court to the transactions of private life. I imagine that is so because the intervention of the Court is somewhat different in the case of the present and future tenants under this Bill, and it is that intervention of the Court which my hon. Friend, applying rather too readily his Indian experience, regards as such a permanent security for the dignity and well-being of Ireland, not only now, but for all time. From the way in which my hon. Friend spoke of the advantage of everyone being able to apply to the Court, one would suppose that a new view of the garden of Eden was before us, by simply saying that every transaction of life shall be subject for ever to the intervention of a Court, so that if a man buys a coat from a tailor the Court shall intervene to fix the price. This the hon. Member describes as progress and advancement. But if once we venture to narrow this intervention of the Court so as to provide individuals with the means of coming together to settle matters that can be very well settled without the intervention of the Court, my hon. Friend pronounces on the consequence in the most dolorous terms. Our view is that the Court is a remedy for serious and intolerable evils. It is upon that ground alone that we bring it in; and, consequently, it is no unnatural deduction to say we will not ask Parliament to affirm in the year 1881 that this intervention of the Court is to be stereotyped perpetually and universally throughout Ireland. I have some hope that my hon. Friend has not exactly measured what the condition of future tenants will be, because the future tenant, notwithstanding the opinion of my hon. Friend, is by no means relegated to the provisions of the Act of 1870, even with the alteration which has been made in the scale of compensation for disturbance. That is not the case at all. The future tenant will have exactly the same right of disposing of his tenant right, and in the same manner as the present tenant, and, in my opinion, will be on a better footing than the present tenant in one important respect, inasmuch as the present tenant, if he goes to Court, is liable to have a judicial price put upon his rights which will stand for the whole of his statutory term, whereas the man who does not

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go to the Court will obtain the market price. The latter has, therefore, a more free enjoyment of his tenant right, and along with that he has the protection given to him by this Bill against the augmentation of his rent. That is the position of the future tenant; and, undoubtedly, while in some respects his position is in my opinion improved, unquestionably it is not deteriorated in any one thing except that of the delightful privilege of going to law, which would seem to be my hon. Friend's compensation for all the ills of life. This intervention of authority is, I think, proposed by my hon. Friend more in accordance with Indian than English views. It is hard to say whether the loss of that privilege is now a greater boon to the tenant than the landlord; but 20 or 40 years hence the privilege would, I am perfectly sure, be a greater loss to the tenant than the landlord. It must be remembered that this modification of the conditions of tenancy will be by an enactment under which not only the tenant can take the landlord into Court but under which the landlord can take the tenant into Court. That is no slight consideration. As a general rule, in such cases, one of the parties is a rich man and the other a poor man, and, undoubtedly, the man who stands at the door of a Court of Justice with a long purse has an advantage over the man with a short purse. I say it is a hasty assumption that it will be an unmixed loss to the tenant that he is not able to go to law. I hope I have removed some of the apprehensions with regard to the sufferings of these future tenants, which I am afraid have disturbed the slumbers of my hon. Friend for some time past. At any rate, I have desired to do so. This is a matter on which the Government have arrived at their present conclusion, after much consideration, and without being idolatrous believers in freedom of contract. We have thought that it would be a very serious matter indeed to ask Parliament to extinguish it for ever in consequence of circumstances which are wholly abnormal and belong to the present very peculiar position in Ireland, and with regard to which we are sanguine enough to believe that they will not be permanently established from generation to generation.

SIR GEORGE CAMPBELL admitted readily that his great fear was with re-

gard to the degradation, so to speak, of present and future tenants. He had also no hesitation in saying that his own view was that freedom of contract might best be attained in Ireland by making future tenancies as free as possible, subject only to compensation for improvements, and, unless a very long lease was granted, then compensation for disturbance. His wish was that present tenants should not be degraded, and up to the present time he had been under the impression that it was intended by this Bill to give that which existed in one part of Ireland to the other parts—to allow the tenants in those parts of the country to regulate their condition by fixity of tenure, with fair rents and free sale of their tenant right. His impression was that the old tenants of Ireland were to be given the "three F's," and that a property in the soil was to be created for them. His idea was certainly not that their property was to be the subject of continual litigation between themselves and their landlords—for he was no more enamoured than was the right hon. Gentleman the Prime Minister of litigation—but that they should follow the example of the tenants of the other countries of Europe, and progress without that expense. On the whole, he felt much disappointed at the words which had fallen from the right hon. Gentleman.

MR. BIGGAR said, he had always failed to understand the object of the Government in making a distinction between present and future tenancies, because, according to their contention, they wished to get rid of what they called a crying evil—namely, the possibility of landlords charging exorbitant rents. The Prime Minister said that the future tenant was in a very grand position. But would anyone affirm that he would get a fair price for his tenancy if the landlord was known to be extortionate? It was the object of the Amendment to prevent that loss to the tenant, and the result of the clause as it stood would undoubtedly be that the incoming tenant would say—"I cannot give a high price for the holding, seeing that the rent is very much higher than the judicial rent would probably be." He and his Colleagues did not suppose that there would be any great number of changes of tenancy. They wished the alterations contemplated by the Bill to take place, and to see a succession of

*Mr. Gladstone*

more or less prosperous tenants; but they certainly did not desire that the land should be changing hands every day and hour. For his own part, he did not value as highly as some persons appeared to do the power of free sale, because he regarded it as a minor part of the question. But suppose a man, who perhaps did not hold on statutory conditions, by some accident committed an act that would amount to a breach of statutory conditions in the case of a tenancy so held, he would be in this position, that he must sell the holding, and that subject to any increase of rent the landlord might choose to demand. That seemed to him to be too heavy a penalty to impose upon a tenant for the breach of a statutory condition. Take the statutory condition relating to the dilapidation of farm buildings. The damage might amount, perhaps, to £100 or £200; but the loss to the tenant under this provision would be many hundreds of pounds more than the damage resulting from dilapidation of the premises. Then in the case of the tenant becoming bankrupt, if the tenant would not join in the sale of the tenancy for the benefit of the creditors, one of the creditors would probably make him bankrupt, and the land would be sold, no doubt by collusion with the landlord, in such a way that the remaining creditors would get almost nothing. A very great injustice would therefore be done to the creditors, and a substantial benefit to the landlord by enabling him to extort from the incoming tenant an amount of rent above that which would probably be fixed by the Court. In this respect, then, the clause would do a great deal of harm. It would also be mischievous in the case of future tenants, because it was a matter of certainty that the number of future tenants would constantly increase, while that of the present tenants would be decreasing. The result of all this would be continuous agitation for a new Land Act—an agitation as strong as there had been during the last 10 years.

MR. GILL said, as the Prime Minister had explained the matter, there was a considerable difference between the position of present and future tenants, and, neither the right hon. Gentleman nor the Attorney General for Ireland being present, he desired to ask the Chief Secretary for Ireland for some

further information on this point. There appeared to exist a very considerable misconception with regard to future tenancies, and he had quite recently read two pamphlets on the subject which took diametrically opposite views of the position of the future tenant. One writer was of opinion that as soon as he obtained the statutory term of 15 years by accepting a rise of rent, he became for the future in exactly the same position as the present tenant; that he could at the end of 15 years apply to the Court for a revision, and, if necessary, a reduction, of his rent. The other writer was of opinion that at the end of 15 years he must accept another increase of rent in order to get another 15 years. If the future tenant was in that position, he could not regard him as dwelling in that paradise described by the Prime Minister; on the contrary, he thought he was in a lamentable position. He would be in a worse position than the leaseholder of the present time, because at the end of every 15 years, in order to hold his farm, he would have to accept an increase of rent. There were many hon. Members sitting around him who had all along thought that, according to the language of the Bill, after having accepted a rise in rent, the future tenant would have all the advantages which were connected with the statutory term; and, therefore, as the Attorney General for Ireland was now in his place, he desired very much that he would state the exact difference, if any, between the position of a future tenant who obtained statutory tenure by accepting an increase of rent, and the position of a present tenant who obtained it by an appeal to the Court.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) was understood to say that of the two descriptions given of the position of the future tenant, the latter was the correct one.

MR. THOMASSON said, he thought the matter would have been better discussed on the Amendment of the hon. Member for Wexford to the last clause, the latter portion of which provided that future tenancies should begin on the 1st day of June, 1885. He should have been prepared to support a proposal fixing a still later date for their commencement; indeed, it seemed to him that it would have been better to de-

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fine a future tenancy as one commencing 15 years after the passing of the Act. During that time landlord and tenant would have found a *modus vivendi*; we should have peace and quiet in Ireland; and the tenant having obtained a sense of security, future tenants might at the end of that time have been left to make their own contracts with their landlords.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) suggested that they should get rid of the present Amendment. He would afterwards move an Amendment at the end of the 46th section.

MR. GIBSON said, he understood it to be absolutely clear, from the previous statement of the Prime Minister, that although the words under discussion were to be struck out, the Government were pledged to introduce words exactly of the same sense, but in an altered form.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) signified assent.

SIR GEORGE CAMPBELL remarked, that when the Attorney General for Ireland introduced an Amendment, no amount of argument would induce him to agree to any alteration of it.

Question put, and *negatived*.

MR. HEALY said, he had an Amendment to propose which was not on the Paper. He had, at a former part of the discussion, raised the question as to whether it would not be desirable to give the landlord power to re-create a present tenancy by writing under his hand. It was said that the power already existed to do this; but he had not had time to go thoroughly into that matter, and had prepared an Amendment to give the necessary power. He did not say that the reading was the best that could be arranged for the purpose.

Amendment proposed,

In page 26, line 9, add "Provided, That notwithstanding any such determination, the landlord may by writing under his hand, or by reinstating the former tenant or his legal representative, rehabilitate and re-establish the tenancy previously subsisting."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the hon.

Mr. Thomasson

Member for Wexford had fairly stated that he did not expect the Government to adopt the exact wording of his Amendment. Adopting its principle, however, he would bring up a clause on Report, with the object of enabling the landlord to do in a simple way what he might already do by a cumbrous and roundabout process.

SIR STAFFORD NORTHCOTE: We understand that the principle is that the landlord may voluntarily re-instate a tenant.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Yes.

MR. HEALY said, in asking leave to withdraw his Amendment, he must remind the right hon. and learned Gentleman that he had given no explanation with regard to present and future tenancies. Irish Members were in an awkward position from not having received some statement from the Government with regard to the suggestion contained in his Amendment to the last clause—namely, that present tenancies should be created until within two years after the passing of this Act.

Amendment, by leave, *withdrawn*.

MR. HEALY said, the Amendment he was about to move was a corollary to Clause 6. Under the old law, if a man made improvements, he could not obtain compensation except on notice to quit. As he held it to be undesirable that there should be any creation of future tenancies upon what he called "technicalities," he begged to move the Amendment standing in his name.

Amendment proposed,

In page 26, line 13, after the word "tenancy," insert new sub-section—"A present tenancy shall not be converted into a future tenancy by reason only of the determination by surrender or otherwise of such present tenancy, and the acceptance by the tenant for the time being of a new tenancy. Notwithstanding any such determination of any present tenancy by surrender or otherwise, and such acceptance of a new tenancy, such present tenancy shall be deemed for the purposes of this Act to be still subsisting so long as the tenant for the time being and his successors in title continue in possession of the holding, whether the incidents of his or their tenure be varied or not."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not

think the Government could adopt this Amendment. He pointed out that they had provided by the 1st sub-section that the surrender to the landlord of a tenancy for the purpose of the acceptance or admission of a tenant, or otherwise, by way of transfer, should not be deemed to be a determination of the tenancy. That operated as a surrender to the landlord, and, of course, it was understood that the provision, which merely acted as a piece of machinery, created no legal title. But the Amendment of the hon. Member went further than that provision. He could not see the object of the Amendment clearly. Suppose a man held five acres, and surrendered them to get 50, it would be hard to say that that should not be a future tenancy. Taking either less or a great deal more must, of necessity, make a new tenancy. Again, mere change of rent did not operate to change the tenancy, as was obvious, when it was proposed to fix a judicial rent. The hon. Member's Amendment referred to determination by surrender "or otherwise," and it was, therefore, objectionable on that ground, because it could not be expected that the Government should reverse the Common Law. They would, however, provide, on Report, for technical breaches of statutory conditions.

MR. HEALY said, upon that undertaking on the part of the Government, he should ask leave to withdraw his Amendment. It was only natural that Irish Members should be suspicious of the pitfalls contained in the clause; and he asked the right hon. and learned Gentleman to give the matter his serious consideration between that time and Report.

MR. BIGGAR remarked, that the right hon. and learned Gentleman the Attorney General for Ireland had put the case of a person who gave up five acres of land in order to get 50 acres. But he wished to take, also, the converse of that position, and suppose the case of a tenant who wanted to get a smaller piece of land than he had in possession. Now, in both these cases the dimensions of the tenant's holdings would be more or less changed; and he asked the Attorney General for Ireland whether or not in both cases the tenancy would be determined?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he proposed

to deal with the points raised by the hon. Member for Cavan at a later stage.

Amendment, by leave, *withdrawn*.

MR. W. H. SMITH said, he proposed to move to leave out sub-section 2, which restrained a landlord from exercising his rights for 15 years after he had purchased the tenant's interest in his holding. The sub-section in question ran as follows:—

"Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject, from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies."

That was a restriction upon freedom of contract to a degree which he could have hardly expected from the framers of this Bill. The present occupier had received the full value of his interest in the holding, as determined by the Land Commissioners; he had exercised his right of pre-emption from a desire of benefiting his property; he had a strong opinion that it was not, on the whole, desirable that the tenancy should be charged with the interest on the purchase; he desired to let the land again, and did not wish to get a large premium from the tenant, because he preferred that the tenant's money should rather be invested in the land itself by way of improvements. In short, he had no wish to embarrass the tenant. But under this sub-section he would be absolutely prohibited from taking the course which an English landlord would take of enabling the tenant to apply all his capital to develop the resources of the land. This appeared to him so great a restriction on freedom of contract that he hoped the Government would agree to strike out the sub-section, the omission of which he begged to move.

Amendment proposed,

In page 26, line 14, to leave out from the word "where," to the word "tenancies," in line 21, both inclusive.—(Mr. William Henry Smith.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

LORD EDMOND FITZMAURICE said, he was not enamoured of the sub-

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section. As he understood it, it drew a distinction between the first term of 15 years and the subsequent term; in fact, it raised a tenant, who otherwise would be a future tenant during the first 15 years, into the position of a present tenant. The Attorney General for Ireland would, perhaps, inform him whether he understood the sub-section correctly, when he believed that whereas a man, after the exercise of pre-emption by the landlord, would otherwise be a future tenant, and would not be able to go to the Court to get the rent fixed and the term determined during the first 15 years, he would, under this sub-section, be able to do so? The point was germane to the section. He had previously raised it; but he was not prepared to raise the question over again or press it to a division. It did, however, seem to him that all these small distinctions and differences did unnecessarily encumber and complicate the Bill, and he believed it would be a great improvement, and the tenant would not suffer in the least, if they were omitted. He respectfully pressed on the Government to consider whether there was any substantial advantage to the tenant in keeping up these distinctions, or, at least, to consider whether the small advantage accruing to the tenant was not outweighed by the amount of matter by which the Bill was encumbered.

MR. GLADSTONE: I must own we are not at all prepared to agree to the removal of this sub-section. My noble Friend says it would be well to do away with these minute distinctions; but then he should recollect that earlier in the evening there was application made of that principle by others in a very different sense, and that was that it would be well to abolish the differences between present and future tenancies. It was argued that if we wanted to simplify the Bill we must do this. But we decline to simplify the Bill at the cost of such a change as that. We must consider whether this proposition in sub-section 3 is a proposition fit to be maintained or not. I think the noble Lord and the right hon. Gentleman opposite (Mr. W. H. Smith) attach to the omission of this sub-section a greater consequence than really belongs to it. The right hon. Gentleman spoke as if upon the omission of this sub-section it would be in the power of the landlord to

get rid entirely of the provision which enables the tenant to whom the land is re-let to sell his tenant right. The right hon. Gentleman spoke of the landlord's desire to relieve the land from the burden of this price of the tenant right, paid on interest; he thought it would empower the landlord, if this sub-section were omitted, after the exercise of pre-emption, to get rid of the tenant right when he let a holding again. Of course he might, if he thought fit, put such a rent on it as would absorb it. That is another thing. But after all, you must remember you cannot absorb so much of the tenant right in rent as you suppose. The Irish tenant is willing to pay for the tenant right what he is not willing to pay for in the form of rent. Now, Sir, suppose we were to omit this sub-section, what might happen? I reckon this power of pre-emption exercised by the landlord to be a very large power indeed left in his hands by the Bill, and a particular landlord might have a great fancy for the exercise of this pre-emption, and might take advantage of the position of the tenants to change extensively the tenure, and to re-introduce the tenants as future tenants. We do not think it would be wise, having regard to the general tranquillity of Ireland, that there should be a large introduction of these future tenancies until such time has elapsed as the Act generally shall have had a fair trial. That is really the motive which led us, when we came to consider the Pre-emption Clause, to determine that it was necessary we should guard the clause so as to prevent its being used, even by particular persons—perhaps eccentric parties when compared with the general mass of landlords—for the purpose of a rapid and early introduction of a considerable number of future tenancies. That would not give the Act fair play. We do not think it would be to the interest of the general settlement of the Irish Land Question, which we take to be a matter equally for the advantage of landlord and tenant, that this sub-section should be omitted. These are the main grounds on which we support the sub-section, and on which we must adhere to it.

MR. WALTER said, he was anxious to hear what the Government had to say in defence of this sub-section. He could not help thinking that on the face of it it bore a construction extremely illogical.

*Lord Edmond Fitzmaurice*

They gave the landlord, in the very first clause of the Bill, the right to pre-emption. That was not a right to be exercised on his mere motion; it could only come into existence when the tenant had signified to the landlord his desire to sell his holding. Upon that the landlord came in and sought to exercise his right of pre-emption. First of all, they gave him the opportunity of coming to a friendly agreement with his tenant, and if this agreement could not be arrived at, the parties go to Court. He wanted to know, therefore, in what respect, upon the Government's own hypothesis, was the outgoing tenant, anxious to sell his holding, injured? If they had any faith in their Court—and he had faith in it—for the future adjustment of these difficulties, why could they not be content with its decision? Recollect the whole, or the greater part of this Bill, so far as it related to present tenancies, turned upon the existence of certain existing relations between two particular persons or their representatives. But there were no existing relations between the landlord and future tenants. Why, therefore, should they attach something of a penal character upon the action of the landlord? It was argued that, in consequence of his having taken an unfair advantage of the outgoing tenant, the landlord was to be precluded for 15 years from making a contract with another tenant. Now, that was illogical. There were three possible ways in which a landlord might acquire the exercise of the right of pre-emption. He might do so upon the application of the tenant, or in the open market, or by the settlement of the Court. Why was the third course to be considered so much less safe, less secure, less just to the tenant, that it was to involve the forfeiture of the 15 years' freedom to begin a new contract? As a mere matter of policy, there might be a great deal in favour of the Prime Minister's statement; he would not say that policy might not be sufficiently strong to outweigh other considerations. As a mere matter of justice between man and man, he could not see how the subsection could be defended.

MR. GLADSTONE asked hon. Members to recollect that, in the present state of Ireland, whatever value might be set upon the power of going to Court, a tenant right which conveyed the power of going to Court and the tenant right

which did not convey that power would fetch very different prices indeed. He apprehended there was little doubt about that, and that was a matter which the Court would have to take into consideration in fixing the tenant right. As far as justice was concerned, it was not a question of the defence of the future tenant, who would pay a price proportionate to the value, but it was for the defence of the present tenant, with whom the landlord had relations, that this subsection was inserted.

MR. W. H. SMITH said, he understood that a present tenant had now the right to go to Court in order to have his rent fixed before he sold his interest in the holding. The present tenant sold his interest in the holding by agreement with the landlord, or at a rate ascertained by the Land Commission to be a fair price for the holding. For what reason were they to prevent the landlord doing what he felt to be, on the whole, in the interest of his holding and in the interest of the future tenant, in making a contract with the future tenant? Why were they to penalize the action of the landlord? Why were they to prevent him coming to an arrangement with his tenant under the 1st section of this Act? If they told the landlord that he was to be held under the conditions of this subsection in coming to an arrangement with a tenant, they put him under great difficulty in exercising his power of pre-emption. They would almost make it impossible for him to exercise his power of pre-emption, because a tenant coming in would know perfectly well that he had his landlord completely at his mercy. Why should they not leave the landlord's hands perfectly free? Having done everything so far as the present tenant was concerned, why should they not leave the landlord to make the best terms he could with the future tenant?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the right hon. Gentleman had stated that this subsection would interfere with the power of the landlord. The right hon. Gentleman would observe the clause was confined to the exercise of seigniorial right of pre-emption, and did not apply to where the landlord bought on the application or with the consent of the tenant. If the landlord lay by until the tenant signified his intention to sell, and then stepped in and said he would buy, that

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would be a different thing. The object of the clause was to put a restraint on the landlord for a certain very obvious purpose. If the landlord wanted the land for himself, or for his demesne, or for some other like purpose, the clause would not apply; but if he bought the tenant right for the purpose of defeating one of the provisions of this Act, if he exercised his right of pre-emption for the purpose of turning present tenancies into future tenancies, if he used his power for the benefit of his own estate, and to deprive his tenants of the protection of this Bill, and to produce in a few years a recurrence of the misery which now prevailed in Ireland, the clause would apply. Very few landlords would do that, but there were some landlords who would take a sort of pleasure in defeating the purposes of the Act in this matter. The Government did not desire that the provisions of the Act, which were meant to secure a certain amount of quiet and contentment to the Irish tenant, should be defeated by the landlord exercising his power of pre-emption in order to turn present tenants into future tenants. There was no interference with the power of the landlord to buy if the tenant was willing to sell in the ordinary way; the clause applied only when the landlord intervened on notice of sale being given, and said that nobody else should buy.

MR. WALTER said, inasmuch as one case had been put, he might be allowed to put another. Suppose a landlord having exercised the right of pre-emption kept the farm in his own hands for five or six years, and then sold it, was the purchaser to be bound by this limitation—could he not create future tenancies?

SIR STAFFORD NORTHCOTE said, the more he listened to the explanations given by the Government the more puzzled he was to know what the point was the Government insisted on. Their real object seemed to be to debar the landlord, as far as possible, from exercising the right of pre-emption, and not to do justice as between landlord and tenant; their purpose seemed to be to prevent the landlord dealing with his land hereafter upon a system over which Government had no control. He quite understood that the Government, in making the proposals contained in this Bill, were, to a very considerable ex-

tent, departing from what they recognized as the sound and normal conditions of free contract between landlord and tenant. They did so in the belief—and there were certain grounds for that belief—that it was necessary to make provisions for the protection of tenants as against their landlords. The Government began the Bill by saying that they gave to the tenant the right of freely selling his interest in his holding, and that they gave to the landlord the right of pre-emption. But the landlord could only exercise that right if, in the first instance, the tenant had chosen to take the step of saying he would sell, and, of course, the promoters of the Bill had taken steps to guard the interests of the tenant so that he would have no injustice done by the landlord exercising the right of pre-emption. The landlord would pay that which the Court considered fair, and would pay it upon the tenant's own motion. The tenant, therefore, could have no further interest in the holding. He had had no injustice done him, and the holding was in the hands of the landlord, who, if he chose to, had a perfect right to hold and cultivate it. The Attorney General for Ireland had said they meant to refuse the right of pre-emption to the landlord if he intended to use it for the purpose of benefiting his own estate. Well, but how might he benefit it? He might benefit it by converting large holdings into small holdings; he might benefit it by taking a holding and joining it to another; he might benefit it by readjusting his land; and each of these courses would be to the interest of the tenants on his estate, and of the tenantry in that part of the country. Then why was he to be restrained, when he had got land in his own hand, from doing that which might appear to be the very best thing he could do—namely, letting it on fair and reasonable terms? "Oh," said the Government, "that will interfere with the system which we contemplate as the best system to be in future adopted in Ireland, and we do not want to have any of this free contract, because it may prejudicially affect the relations of present tenants with their landlords in every part of the country." The Government did not want free contract lest it should interfere with the good working of their new patent system. It was not the injustice

*The Attorney General for Ireland*

done to existing tenants, or the harm done to anybody, that the Government feared; but it was the harm that might possibly be done to their new system if there was free contract. That was the only meaning he could attach to the explanation of the Government—an explanation which was so unsatisfactory to him that he was bound to ask for more instruction.

LORD RANDOLPH CHURCHILL said, it was very possible that under this sub-section they might arrive at a very ridiculous complication. Suppose that after the passing of the Act—say, next year—a landlord created a future tenancy, that the present tenant of a farm of 30 acres adjoining was obliged to sell, that the landlord exercised his right of pre-emption, and wished to let the farm to the future tenant, with whom he had contracted for the adjoining farm, under this sub-section he could not dispose of it in the way he wished.

COLONEL COLTHURST said, the question seemed to be whether the intention of the Bill was to be more or less frustrated by the omission of this sub-section, because the whole Bill proceeded on the assumption that it was necessary to restrain the competition for land in Ireland, and this was one of the means of restraining it. He did not think the argument of the right hon. Baronet (Sir Stafford Northcote) was at all applicable. If a landlord wished to take land into his own hands, and was willing to pay a proper price for it, there was nothing to prevent his doing so; but he thought the Government were perfectly justified in restraining any attempt on the part of the landlord to create future tenancies with the object of defeating the Bill. He was glad to hear the Government did not intend to make any concession on this point.

MR. BRODRICK said, the Bill seemed to him to be inconsistent with itself. The original demand was that future tenants should be altogether exempt from the operation of the measure; and when the right hon. Gentleman opposite talked of standing as arbiter between the parties, he forgot that he had already made terms with one side, who were now asking only half of what they asked before.

MR. A. MOORE said, this was vital to the principle of the Bill, and he did not know that he could add anything to

that which had fallen from the hon. Member for the County of Cork. It was perfectly evident that there was underlying all these criticisms a consciousness of what would be done if further concessions were made; the landlords would go into the Court and exercise the right of pre-emption at as low a value as possible, and they would realize the *pretium affectionis* from incoming tenants. In that way in a very short time there would not be a single present tenant in the whole of the country. It was essential, if this Bill was to have a chance, that those provisions should remain.

MR. PLUNKET wished to know on what ground this had been put forward as the policy of the Bill? It was said that if it was struck out any landlord could go into the Court and would have the right of pre-emption. Hon. Members must know that the landlord would not have a chance of exercising his right of pre-emption unless the tenant wished to sell. How was the landlord to get all his tenants to give him the opportunity of exercising his right of pre-emption in the way contemplated by the clause? The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) objected that by the excision of this clause the unfortunate tenant would be left without protection, and that they would in that way defeat the policy of the Bill. But the tenant was already protected, for he had the Compensation for Disturbance Clause, and he also had the advantage that before this terrible transaction he would have seen the rent fixed for the former tenant. He would know what was a fair rent, and he would have a very fair standard to go by in order to judge what was a fair amount which he himself should be asked to pay. The present tenant would be there, or, if he desired to sell, they must assume that he had had his rent fairly fixed by the Court.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law): He may or may not have had his rent fixed.

MR. PLUNKET said, the right hon. and learned Gentleman must see that if he had not a fair rent he would go to the Court and have the rent ascertained. How could it be maintained that the tenant was unprotected if this sub-section was struck out? The tenant would know very well what kind of rent he ought to be asked to pay, and he would

be better protected than he was at present. It was said they would defeat the object of the Bill, which was to encourage free sale, if the sub-section were struck out. Well, he admitted that the policy of the Bill was to encourage a system of free sale, but it was not to encourage a system of free sale at exorbitant prices, and what he understood to be the great boon given to the landlord in this right of pre-emption was that he would thereby have the power of preventing the interest in the holding being sold at an exorbitant price—that the landlord might step in and say, “I prefer to have the fair price estimated for me and I will pay it myself.” If the policy of the sub-section were to be to encourage reckless bidding amongst would-be tenants, the excision of the clause would put a check upon the practice; but it all came back to this, in the end, that the clause was inconsistent in its various members. He could not see how the arguments of the hon. Member for Berkshire had been in the least degree answered; it seemed to him that the clause was not only inconsistent in its various members, but was contrary to the policy of the Bill.

MR. MARUM wished to say a word with regard to the justice of this transaction from the point of view of the tenant. Supposing there was no 1st clause in the Bill, the tenant would have a Common Law right to sell his tenancy at the highest price he could obtain for it. The 1st clause rather cut him down, and what the tenant enjoyed was not free sale, but restricted sale—restricted by the right of pre-emption on the part of the landlord. As an equivalent for that restriction this sub-section was required. So far as the landlord was concerned, it was voluntary. He could come in unfettered by conditions if he liked; but, from the statement of the Prime Minister, it was quite evident that in justice to the tenant this provision should be inserted.

MR. GIBSON said, the argument of the hon. Member for Kilkenny (Mr. Marum) certainly had the advantage of being logical; his argument was entirely against any such thing as the right of pre-emption. The hon. Member seemed to think that pre-emption was so bad that the more it was watered down and killed the better; and that the provision under discussion really

would have the effect of emasculating the right of pre-emption given in the 1st clause. From his (Mr. Gibson's) point of view the right of pre-emption should either not have been given at all, or, if given, it should have been preserved and strengthened. When it was given nothing was heard about a landlord wanting to exercise it for selfish purposes, such as increasing the demesne. On the contrary, it was said it was one of the means by which a landlord might exercise some influence over the management of his property. They had been reminded that the right of pre-emption was one of the means given to the landlord by which he could moderate some of the disturbing influences that might be brought about on his property by a reckless use of the privileges of free sale. The Government expressly took away from the clause those words enabling the Court to moderate the price, and allowed it to remain so as to confer upon the Court the humble function merely of ascertaining the fair price. The landlord could only exercise the right of pre-emption, therefore, by paying the proper price ascertained by the Court. If the Court had ascertained what was the fair price, why should not the landlord be restored to perfect property in what he had bought? Do not let him buy if they did not want him to have the rights of property, and if they did let him buy do not restrict him in this way. The noble Lord the Member for Woodstock (Lord Randolph Churchill) had put a case to the Committee which had rather reduced this to an absurdity, and he (Mr. Gibson) would give another which would have the same effect. Supposing a landlord had bought a farm on the conditions under the Bill, and he then said, “family reasons,” or “my own health compel me to give up the farm,” he (Mr. Gibson) would contend that they would not allow that person to go into the market to make a new letting, but they compelled him to make a letting with a present tenancy. Was that just or reasonable? Where was the equity of the provision? This was a proposition which, if defended at all, should be defended in the interest of the future tenant. The old tenant was not in question; he had been paid—he had gone away, he was done with, and it was immaterial to him what became of the let-

*Mr. Plunket*

ting. The Prime Minister had said that the object of this provision was to avoid changes which a few years after the passing of the Bill the landlord might otherwise effect. The landlord might acquire the land by pre-emption, and might endeavour to make a letting in the nature of a future tenancy. But the landlord could only buy from a tenant who desired to leave the holding; therefore, the interest of the old tenant, who voluntarily announced that he did not wish to stay and could not stay, would not be affected. The old tenant, therefore, was out of the question. This was in effect to penalize the right of pre-emption which the Government had given at the outset. They should not have given it at all if they were not prepared to allow the landlord to exercise the right with freedom. Having given the right the Government was bound to leave the landlords in possession of it, and not to fetter them in the extraordinary way proposed by the sub-section.

MR. LALOR said, he quite agreed with the right hon. and learned Gentleman who had just sat down, that the right of pre-emption was a very inconsistent right to put in the Bill; and not only was it inconsistent, but it was a most dangerous power to have left in the hands of the landlords of Ireland. Hon. Gentlemen belonging to the Opposition had maintained, in the course of this discussion, that the sale was a free sale between the landlord and tenant. This very thing showed the opposite. It was not a free sale between the landlord and tenant. What did the sub-section say? It said—"That where a present tenancy in a holding was purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord, within 15 years from the passing of this Act, re-lets the same holding to another tenant, the same shall be subject, from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies." Surely that was a free contract between the landlord and tenant; but it would be more candid if hon. Gentlemen on the Opposition Benches argued the question on a different basis altogether. Why did they not say at once

that the application of future tenancies as compared with present tenancies was the best form in which the tenantry of Ireland could hold the land? Now, if future tenancies were the best for the tenant farmers of Ireland, why did not hon. Gentlemen say so at once, and argue against present tenancies altogether? Hon. Gentlemen, however, did not say so; and if they allowed that the present tenancies were better, was it not right on the part of the Government to try and prevent landlords creating tenancies without having something *bona fide* at the bottom of them? Hon. Members were not prepared to argue in that way, because they wished to throw dust in the eyes of those who were in favour of present tenancies. They wished to show hon. Members that they were not against future tenancies, but that they were fighting entirely for justice to the landlords as between them and the tenants.

MR. MULHOLLAND said, the hon. Gentleman who had just spoken had declared that Gentlemen on the Conservative side of the House were not prepared to argue that future tenancies were not better than present tenancies for the people of Ireland. He must say for his own part he thought they were. They were told, with reference to present lettings, that it was necessary to appeal to the Court because, in many cases, they had been over-rented. It was said that the tenants under such circumstances might have become attached to their farms, and, in spite of the heavy charge made upon them for their improvements, were reluctant to give up the holdings. None of these arguments, however, applied to future tenancies. An hon. Member had asked—"Why should not I, as a landlord, be allowed to take a farm on the same conditions as a tenant?" and he had said that the future tenant, it was to be presumed, would not pay a rent unsatisfactory to himself, and if he did he was protected by the Bill from any subsequent raising of his rent. The landlord could not raise the rent without the tenant having a right to go to the Court and appeal against it. When the Bill was brought in great stress was laid on the clause giving the right of pre-emption to the landlord, and it was said that that was one of the means that would be looked to to prevent extravagant prices

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being given under the right of free sale. Well, he agreed it was the most important part of the Bill; but, if it was so, and if it was necessary to guard against extravagant prices being given under the right of free sale, why introduce a condition which would have the effect of altogether limiting the power that the landlord ought entirely to possess over the land he had so acquired? He could see no reason for it whatever. The Bill was open to the objection that had been made against it generally—namely, that the present tenants were to be benefited at the expense of the future tenants in time to come. It was only right that they should modify that objectionable part of the measure.

Mr. CHAPLIN said, he wished to add this to what had fallen from the hon. Gentleman who had just sat down. The hon. Gentleman the Member for Queen's County (Mr. Lalor) had taunted the Conservative Members with not saying what they meant about the Bill. He had asked—"Why do not hon. Gentlemen behind the Front Opposition Bench argue against present tenancies or against some of the main principles of the Bill?" Surely the hon. Member must know that very often—far too often, in the opinion of some Members of this Committee—the Conservative Members had done nothing else but argue, to the best of their ability, against the principles of the Bill from beginning to end, and they believed they had done it with success—they believed they had demolished the arguments advanced in favour of the Bill, not only out of their own mouths, but from the mouths of the authors of the measure themselves. It was therefore rather a strong thing for Irish Members to turn round upon the Conservative Members at this point and say that they were afraid to declare what they thought of the principles of the Bill. There was one thing with regard to this sub-section which he had not yet heard mentioned, and that was that if it was retained in its present form the result would be that the same thing would be sold, it might be, twice or three times over, or as many times over and over again as anyone might like to imagine. Take the case of a landlord who had purchased the tenant right, and supposing he re-let the farm, the holding, according to the sub-section, would have to be subject to all the con-

ditions of a re-letting. Then the tenant might sell the tenant right over again. Surely never before had such a preposterous proposal been made. The tenant could sell the value of his occupancy when he desired to leave the farm. Supposing it fetched 20 years' purchase, the landlord might buy it under his right of pre-emption; he might let it again at a fair rent, and again the tenant would be allowed to sell the tenant right. The tenant might sell at the same price that had been fixed before by the Court; and they were told that whatever happened the tenant right was not to be carved out of the rent. The tenant right might be sold ten times over, and yet it was said it was to have no effect whatever on the rent at which the farm was to be let in the future. He did not know what course the Mover of the Amendment intended to take—it was no use voting against a mechanical majority, the Members of which fought at the behest of the Prime Minister, without thinking for themselves—but, for his own part, he should be inclined to take a division against this sub-section.

Mr. MACARTNEY said, he could not understand on what principle this sub-section had been introduced. It seemed to him that the purchase of the tenant's interest under this Bill was the same thing as the purchase of the tenant right by the landlord in Ulster under the old tenant right system. When that tenant right was purchased by the landlord the tenant right was extinguished; the landlord paid what was supposed to be the value of it, and both the landlord's and tenant's interest became vested in the landlord. If he might use a legal phrase, the tenant's title became "merged" in the landlord's title; but now they wanted the title to emerge again, and become the tenant's instead of the landlord's.

Question put.

The Committee divided:—Ayes 185; Noes 95: Majority 90.—(Div. List, No. 311.)

Mr. MULHOLLAND said, that, seeing that the sub-section had been passed, the bad effect of it might, to some extent, be mitigated by adopting the Amendment that he would now move. His proposal was that the re-letting should have had the approval of the Court, and that the agreement should have been an

*Mr. Mulholland*

agreement in writing. He hoped the Government would not object to this Amendment.

Amendment proposed,

In page 26, line 21, after "tenancies," insert "unless such re-letting be made by written agreement and approved of by the Court."—*(Mr. Mulholland.)*

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the proposal.

Amendment negatived.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had an Amendment to propose to re-enact a certain provision which had been struck out, in order that it might be brought up in a more perfect form.

Amendment proposed,

In page 26, after line 27, to insert the following words:—"Whenever a present tenant is sued in consequence of a breach by a tenant, after the passing of this Act, of statutory conditions, or, in case the tenancy is not subject to statutory conditions, of an actual default on the part of the tenant, after the passing of this Act, which, if the holding has been subject to such conditions, would have constituted a breach thereof, the purchaser from such tenant shall not at any time be entitled to apply to the Court to fix a judicial rent for the holding; but this provision will not affect the right of such purchaser to hold at a judicial rent during the remainder of a statutory term."—*(Mr. Attorney General for Ireland.)*

Question proposed, "That those words be there inserted."

SIR WALTER B. BARTELOT said, it was necessary that they should see this in print on the Paper before they were asked to discuss it. He must confess he failed to gather its meaning from hearing it read by the right hon. and learned Gentleman the Attorney General for Ireland and by the Chairman.

MR. GLADSTONE said, that the matter was explained at an earlier hour in the evening. The real truth was that the legal difficulty arose upon the question of expression. On account of that legal and technical difficulty the words between the second and the sixth line of the clause were struck out and brought down to the place where his right hon. and learned Friend now moved them; and the words, as moved by his right hon. Friend, with one exception, were

precisely what were necessary to give legal effect to the word "now" in the clause as it stood in the Bill. The one exception which he made was that the operation of the word was now confined, in conformity with an intimation previously given to the Committee, to breaches of condition committed after the passing of the Act. That was the only change introduced.

SIR JOSEPH M'KENNA said, he thought he might assure the hon. and gallant Baronet that there was really nothing to be afraid of in the Amendment. It appeared to him a very small matter indeed; and, though he had no objection to the Amendment passing, it appeared to him that they were wrangling about nothing.

MR. HEALY somewhat sympathized with the hon. and gallant Baronet in his objection, because, although he had had the advantage of listening to the discussion, he had felt considerable doubt as to what the difference was. It was an intensely Tory Amendment, and if the hon. and gallant Baronet would take a division he would support him.

MR. GIBSON said, the peculiarity of the change was that it introduced, in deference to the discussion carried on below the Gangway by the hon. Member for the City of Cork (Mr. Parnell) and his Friends, a most important and very concise Amendment in the name of the Chief Secretary, which rendered it absolutely impossible for any man to be turned into a future tenant by any breach or act that occurred before the passing of the Act. How that could be called an intensely Tory Amendment he could not imagine.

MR. MARUM said, there was only a difference in terms from the expression that existed before; and, therefore, he could not agree that it was a Tory Amendment.

MR. LALOR said, he stood up, on the part of the people of Ireland, to protest against the Amendment. The unfortunate Irish tenants were men who might, by ignorance, be guilty of breaches of statutory conditions. Now, what was the class and who were the men against whom that clause was certainly directed? They were acknowledged on all hands to be an ignorant class of people, and when he recollected that there was probably not one in 10 of the Members of that House who

thoroughly understood the Bill as it then stood, how could he imagine that the small tenant farmers of Ireland would be fully alive to the dangers of those statutory conditions? Was it not a direct premium for the landlords to try and watch for a breach of the statutory conditions that might be made by every tenant? He believed there was no enactment that would be so fatal in its operation as that section of the Amendment which had been moved by the Attorney General for Ireland.

MR. WARTON said, he objected to Amendments being moved which were not on the Paper. Having only heard the words as they were read by the Chairman, he had the greatest difficulty in understanding the question. He would suggest, however, a small Amendment to the Amendment, and would call the attention of the Attorney General for Ireland to the fact that there were breaches of two sorts. There was a difference between committing a breach after the passing of the Act and continuing a breach already committed. He would suggest the words—

"In consequence of a breach committed, or the continuance by the tenant after the passing of this Act."

Question put, and *agreed to*.

Clause, as amended, *agreed to*.

Clause 46 (Tenancies to which the Act does not apply).

MR. MARUM moved to leave out after "any holding which is not agricultural or pastoral," the words "or partly agricultural and partly pastoral." He wished to qualify the clause, because no one wished that any villa residences should be included in the Act. There were 175,000 small tenants, who had holdings of under the value of £4. The question would arise as to whether these men had really residential holdings, and whether they might not be excluded from the Act. He was not acting entirely upon his own judgment, but had referred to Mr. Butt's work upon the subject, in which he stated that the definition in the legislation of 1870 was extremely lame and indefinite, and ought to be qualified in some way. The effect of his Amendment was that the exception made by the clause should not apply to any holding let to be used wholly or mainly for agricultural purposes.

*Mr. Lalor*

Amendment proposed, in page 26, line 32, after "pastoral," leave out "or partly agricultural and partly pastoral."  
—(*Mr. Marum.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he did not think the Amendment would at all alter the clause. The words used in the clause had been adopted from the Land Act of 1870, and he did not see his way to adopt the Amendment, which would not carry the clause any farther.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN moved, in page 26, line 33, to add the words—

"Except in the case of towns of under thirty thousand inhabitants, in which case so much of this Act as relates to compensation for improvements shall apply."

The object of it was to include in the clause houses in the smaller towns of Ireland. He had not introduced any provision for compensation for disturbance for the tenants in the smaller country towns; but he considered the tenant was entitled to the value of his improvements. He did it for two reasons, because, in the first place, the cases were continually occurring; and, in the second, because the small towns in Ireland were practically the same as the country. The inhabitants of the small towns had all the ideas of the country, either from having small holdings of their own, or having friends who were interested in the land. In the smaller country towns the landlords thought it was the tenant who ought to do all the improvements; and it was a very great discouragement to a man when he had improved his house and found he could not get compensation for what he had spent on it. People who travelled in Ireland would tell them that there was a great deal of dilapidation in the holdings on account of the landlord not caring to improve his property, and the tenant not having any security for his improvements. Some of the smaller country towns wished to go farther, and to have disturbance clauses introduced; but he had not seen his way to do so. That was not the first time the question had been brought before the House, as both he and the hon. and learned Member for Kilkenny (MR. P.

Martin) had brought in Bills on the subject.

Amendment proposed,

In page 26, line 33, after the word "pastoral," insert the words, "except in the case of towns of under thirty thousand inhabitants, in which case so much of this Act as relates to compensation for improvements shall apply."—*(Major Nolan.)*

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the object of his hon. and gallant Friend would not be carried out by the Amendment, which was one that the Government could not at all accept. It was foreign to the scope of the Bill, which made no provision for giving a right of compensation. It contained one single clause regulating the devolution of title, as there might be some difficulty in the way of proving title; but the right to compensation rested entirely upon the Act of 1870; and, therefore, when they said that the Bill should not apply to holdings, neither agricultural nor pastoral, they did so because they had got an Act at work. The whole purport of the Bill was to relieve the tenant under the Act of 1870 from a technical difficulty.

MAJOR NOLAN said, it would be very easy to remedy the technical difficulty on Report.

MR. H. R. BRAND said, he wished to know whether an Amendment which was to give a claim for compensation for improvements to tenants of houses in towns was within the scope of the Bill?

THE CHAIRMAN: I certainly very much doubted whether it was, when I saw it; but as the Attorney General for Ireland did not take exception to it, I let it pass.

MR. P. MARTIN said, it was plain this Amendment was in Order, and had reference to a matter within the scope of the Bill. Land, as any lawyer knew, meant not only the soil, but anything placed on the soil in the nature of buildings. Indeed, a question of a similar character was debated at the time of the Land Act of 1870; and he thought that one of the very reasons of the great dissatisfaction which was felt throughout Ireland in respect of that Act arose from the exclusion of town holdings from the benefit of the Act.

There was no class of cases which required legislation more than that class of town holdings in the small villages of Ireland. They knew that such houses had been, for the greater part, constructed by the tenants, out of their own industry and earnings; and one reason why they were in such a wretched way at present arose from the fact that no protection whatever was given to the tenants in respect of improvements which they had effected in that manner. He was of opinion that the town holdings required rather more protection than the country ones.

LORD JOHN MANNERS wished to know the opinion of the Chairman upon the point of Order.

THE CHAIRMAN: I was in great hopes that the lawyers would assist me on the point of Order. It is impossible that a Chairman can decide matters of this kind, involving a legal construction of terms, unless he is assisted. I understand that this Bill is for agricultural and pastoral land; but I desire to be assisted by the legal gentlemen.

MR. P. MARTIN said, on the point of Order, that the Bill was a Bill to amend the law relating to the occupation and ownership of land, and for other purposes relating thereto; and he considered that the word "land," in its ordinary signification, not only meant the soil itself, but everything that rested upon it—that was to say, buildings and houses. It was under a somewhat similar title that in the Act of 1870 there was a debate as to whether those town holdings should be subject to the Act; but he regretted to say that the Committee came to a conclusion adverse to the view which was put forward by his hon. and gallant Friend, and which he trusted he should induce the Committee to accede to.

LORD GEORGE HAMILTON said, he wished to point out that there was not a single country town in Ireland of 30,000 inhabitants. There were only four towns possessing that number—namely, Dublin, Belfast, Limerick, and Cork. He considered the present discussion was out of Order.

MR. O'DONNELL said, he hoped that the Chairman would not lay stress upon the argument of the noble Lord, because the object of the Bill was to promote large and flourishing towns. Because Irish towns had not prospered up to the



present was no reason for helping to continue such a deplorable state of things as was to be implied from the statement of the noble Lord. There was one reason why they should make the scope of the Bill as wide as possible, and that was that under that Bill they intended to remedy some of the mistakes and failures of the Act of 1870. Under that Act was there was no doubt—and the Attorney General for Ireland would corroborate him—that a great deal of harm was done to the smaller towns in Ireland by depriving them of benefits which had previously existed. The Act of 1870 was most generously conceived, and it was intended to do a great deal of good; but it failed in some respects, and in no respect more than in the encouragement it gave to persons interested of depriving holders of their plots of lands and the hirers of small houses of all the tenant right to compensation for improvements which they had enjoyed previously.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he need hardly say that one's inclination was rather in the direction of finding the Amendment out of Order, because it would widen considerably the scope of discussion on that part of the Bill, and it was the common knowledge of everybody that the Bill was only intended to deal with agricultural holdings. The whole of the arguments had proceeded upon that assumption, and it was thoroughly understood. But when they were dealing with the Amendment as a point of Order, they were bound to proceed, not by what were the intentions of the framers of the Bill, but by what they found within its four corners. When they looked at the title, Land Law (Ireland) Bill, and when they saw it was a Bill to further amend the law relating to the occupation and ownership of land in Ireland, and for other purposes relating thereto, he was bound to suggest to the Committee that the Amendment was in Order.

THE CHAIRMAN: I have looked carefully at the Bill, and have come to the conclusion that the Amendment is within the title. At the same time, I consider that throughout all the discussions this Bill has been held to be of an agricultural nature; but still I cannot stand between the decision of the Committee and the Amendment.

SIR JOSEPH M'KENNA hoped his hon. and gallant Friend would not press his Amendment. If he would bring in a Bill to enact by law what he there suggested, he would support it. But he objected to clogging the Bill with Amendments which everybody knew would be out of place. There was a good deal to be said in favour of those who had built holdings in towns of less than 30,000 inhabitants and more than 10,000. Therefore, he would ask his hon. and gallant Friend to withdraw the Amendment, and not to offer at that stage any serious obstacle to the Bill.

Mr. O'SULLIVAN said, he was very sorry the hon. Member for Youghal objected to the Amendment. He thought it was a very reasonable one, as it merely asked that persons who laid out their money in small towns should be protected. He did not see how the Amendment would clog the Bill, and it would not do injury to anyone.

SIR JOSEPH M'KENNA said, he did not object to the principle of the Amendment. He only contended that it was hopeless to try and carry it into law on the present occasion by means of the machinery of that Bill. If the hon. Member went to a division, he would mark his sense of the importance of the question by voting for the Amendment; but he believed such a course would have no satisfactory effect.

Mr. REDMOND said, it seemed to him that they had overcome the technical objection raised by the Attorney General for Ireland, and that it would be well that before they went to a division they should have a few words from the right hon. and learned Gentleman upon the merits of the Amendment itself. It was evident that to the condition of the small towns of Ireland a provision of this nature would be an immense improvement. The absence of security for the tenant's efforts kept these towns back in the condition in which they now were; but if it was just that tenants of agricultural holdings should be protected, there was no reason why the tenants in towns should not have the same protection. If improvements in agricultural holdings were the property of the man who made them, then equally so should it be in towns. The improvements that were made in the town properties in Ireland, few as they

*Mr. O'Donnell*

were, were to a large extent made by the tenants, just as they were in the counties. With regard to the limitation in the Amendment of his hon. and gallant Friend, he did not entirely approve of it; it was too large, or it ought not to exist at all. He would prefer to have no limit. If the principle was right in towns under 30,000 inhabitants, then it was right in all towns. If there was to be a limit at all to it, logically it should be a small limit if the Amendment was to apply to towns only of such a small character that the tenants were more or less agricultural. Then the limit should be much lower, because, as pointed out by the noble Lord on the Front Opposition Bench (Lord George Hamilton), there were only four towns in Ireland having a population larger than 30,000. He would much prefer no limit at all; but the hon. and gallant Gentleman had done good work in bringing the subject forward. It was an important and a growing question on which a strong feeling existed in the towns of Ireland in favour of some such provision as this. He knew that the feeling in support of security for improvements was growing in intensity among the people of the small towns, who were looking with interest on the Land Bill, and were filled with a sort of anxious jealousy that it did not take into account their admitted and well recognized grievances. If his hon. and gallant Friend effected nothing more by his Amendment than keeping the question to the front, and preventing it being lost sight of by the leading politicians of the Kingdom, he would be justified in having brought it forward. He hoped it would be carried to a division, for, though it might be defeated, it would show that Irish Members were not forgetful of the towns, and the Division List would show how many amongst those who were so fond of talking of the privileges, rights, and property of tenants, were sufficiently logical to go to the further end of the argument and extend the same protection to the undoubted property of another class of tenants.

Mr. GLADSTONE said, he had no doubt the Amendment was seriously proposed, still he could not doubt that the judgment of the Committee would be for a moment held in suspense as to the course they should take. Technically, no doubt, the case of the tenants in towns might come within the purview

of the Bill; but who could suppose it would be a rational course to take on the 18th of July with regard to a great and complicated subject of which until now they had never heard a word to invite the Committee to begin to open up this new untrodden field? But even if this were practical with regard to themselves, there was another consideration that put it out of the question, and that was regard to the parties affected. What did the Committee know of their desires and their circumstances, and what Notice had been given that Parliament was about to deal with their interests? When they began to legislate upon Irish land everybody knew what Parliament was about to do; but this would be a complete surprise to landlords and tenants of town property. The Committee could not entertain a proposition of this nature without giving the fullest means to the parties concerned of making known their wants and opinions.

Mr. O'DONNELL said, he agreed in the general scope of the reasoning of the right hon. Gentleman; but the fact was there was a great feeling in a large part of Ireland that a great deal of the wrong done to occupiers in small agricultural towns came from the right hon. Gentleman's own Act of 1870. He could quote several instances of small agricultural towns in Ulster where, practically, tenant right existed for generations, where a tenant sold his right of occupation in his house, and where he could get compensation for his improvements, but where, in consequence of the Land Act of 1870, landowners could now, and had, in numerous cases, confiscated the traditional rights of the tenants in towns. There was one case in a town in Donegal, in a town of 700 or 800 inhabitants, where nearly £20,000 of the tenants' property had been transferred from the tenants to the ground landlord under the operation of the Land Act of 1870. Could there not be a reasonable compromise suggested by which they might give up trying to obtain protection for improvements in those towns that could not by any figure of speech be considered agricultural villages? Could they not recognize the fact that there were so-called towns that were really agricultural villages depending exclusively on the agricultural population? Could not security for improvements be extended to towns up to, say, 1,000 or 1,500 inhabitants? Assuredly, without some pro-

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tection the small country towns of Ireland would remain what they were now—a disgrace to our civilization. It was impossible for a tenant in an agricultural village in Ireland to improve his holding when he knew the only result would be that the landlord would come in and confiscate his improvements. Ulster Members could say that the well-meant scheme of the Prime Minister in 1870 had the effect of robbing poor men in hundreds of cases. In small country towns, so small that they were practically undiscernable from villages or hamlets, there, at any rate, the property of the tenant might be protected, and it was absolutely essential that it should be so to allow the tenant to make his habitation fit for a human being. In 99 out of 100 cases, the filth, the squalor, the misery of an Irish country town was simply due to the fact that the tenant was prevented from making his house tenable by the fear that his improvements would be confiscated.

MR. A. M. SULLIVAN said, it was extremely difficult to vote on the Amendment. He felt, when it was introduced, that it would dangerously encumber the Bill by mixing up with agricultural property a property that was really distinct from land; but he was in this difficulty—that he shared largely the feeling of his hon. Friend who had just spoken, and knew himself the position of these agricultural villages. But going up to the limit of 30,000 inhabitants, did not that prejudice the good intentions of the Amendment, because it was trying to treat in an agricultural Bill house property in towns? In these agricultural villages, as his hon. Friend said, the squalor and untidiness arose from the neglect of the landlord and the fear of the tenant to make any improvements. Some few beautiful exceptions there were where villages were cared for by landlords. Santry was one, which had been built on a plan, had houses clean and tidy, with flowers about them; but agricultural villages generally were built in a haphazard manner, the houses being run up in a corner of a field, the tenants not caring to make them neat for fear they would, in consequence, have to pay more rent. He could not support the Amendment, for the limit fixed carried it far beyond the case of agricultural villages. The Amendment would now be voted down; but the equity of the thing was so

apparent that ultimately some measure must be introduced dealing with the subject.

MR. HEALY said, he believed that this was a remarkable beginning of a new agitation, and he was glad the Amendment had been proposed. These unfortunate people would see that something would be done for them, and he believed that some Government would some day recognize that legislation could not stop in this matter. If it was desirable to protect the improvements of tenants in agricultural holdings, why not in every holding? His hon. and gallant Friend put the case fairly when he said, as a rule, the small towns were intimately connected with agriculture. Without going into the question of limit, he would say that in towns up to 10,000 there were many that might be called agricultural in their tenancies. In the cases of the small towns, such as Bantry, tenants had no security. English tourists had often remarked to him upon the miserable condition of Irish country towns. The reason was simply that the people had no leases, and dared not build and improve, for they were at the mercy of the landlord. He trusted the Amendment would be pushed to a division, for, though it might not be carried at the present time, still it was a beginning of an agitation for a much needed reform.

MR. MAC IVER said, he thought the Committee were very much indebted to the hon. and gallant Member for his useful and instructive Amendment. The reasons he gave in support of it were better than many reasons alleged for Amendments that had been accepted by the Government. With equally good reasons, another hon. Member proposed to remove the limitation, and the views presented afforded much for consideration; and, perhaps, in a future Session, the Government would take up this sequel to their legislation and deal with the question of household tenants. If such legislation were reasonable at all—and he (Mr. Mac Iver) did not mean to imply that it was—there was not the slightest reason for confining it to agricultural land or to Ireland. This particular proposal had a good deal to commend it. Landlords were few and tenants were many; and he (Mr. Mac Iver) thought that an extension of the principle of tenant right to householders generally would do much to satisfy the

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Vote-hunger of Her Majesty's Government. They might begin again next Session with a re-distribution of the property of landlords in the City of London.

MR. P. MARTIN said, he was sorry to intervene, more especially after the Prime Minister's observations, still, as he had been alluded to by the hon. and gallant Member for Galway (Major Nolan), and as he had introduced a Bill embodying the principle of the Amendment, he wished to say a few words. So far as the Amendment went, it was perfectly reasonable; and, notwithstanding that the subject was considered at the time of the passing of the Act of 1870 and then rejected, the Committee must reflect that they had in the present Bill gone far beyond the principle in that of 1870; and he was certain that if the subject were disregarded a new agitation would spring up in Ireland having a well-founded sense of injustice to sustain and encourage its progress. As to the results of the Act of 1870 in the small towns in the North of Ireland, they did not rest on mere statement. Mr. Butt, in his valuable work, and in speeches in the House, presented the gross injustice there was in the exclusion of these small holdings in those places where the Ulster Custom prevailed, and what he stated was corroborated by Mr. Donnell, the Secretary to the Bessborough Commission. The Poor Law Inspectors appointed in 1870 gave several very interesting accounts as to the manner in which, by giving protection and security to the improvements made in towns by the occupying tenants, well-built, thriving, and prosperous towns had been created instead of a cluster of mud hovels. The history given of the town of Enniscorthy well deserved perusal. No reason existed why tenants in small towns should be thus denied the benefits of the present Bill. Nay, there was even a greater sense of insecurity in Ireland, unfortunately, amongst this class of tenants than those who held agricultural holdings. If the act of injustice perpetrated in 1870 by the exclusion of this class of tenants was continued, if all concession was unwisely rejected, a serious agitation would spread over Ireland.

SIR STAFFORD NORTHCOTE said, it was clear that whatever might be thought of the "three F's," on which

the Bill was said to be founded, there was one "F" that it did not include, and that was the "F" that stood for "finality." Here was a door being opened, the closing of which was rather difficult to see. He thought everybody would see it was impossible to take up so large a question as would be involved in the adoption of the Amendment. Surely the Committee had got quite enough on their hands.

MAJOR NOLAN said, he only wished to point out that he in no way bound himself to the limitation in his Amendment; that only expressed his own idea. So that those who thought the limit was too large or too small might fairly vote for the Amendment, he did not insist upon the 30,000 beyond expressing his opinion that some moderate limitation should be admitted. It was no hobby of his own; but it was a subject that had engaged the attention of many.

MR. O'DONNELL said, the Committee might be saved the trouble of a division if the Government would give some opportunity of meeting the supporters of the Amendment if they thought the proposition too large. The Prime Minister would certainly go so far as to redress the wrong done to poor tenants by his Act of 1870. He saw the hon. Member for Donegal (Mr. Lea) in his place, and he would ask him had he not received representations from his constituents on this subject urging him to support an Amendment of this nature? He could certainly promise that there would be a beginning of a new agitation if these requests were disregarded. If the limit of 30,000 was too large, then let the Government say what they conceived a fair measure of relief.

MR. LEA said, he was very unwilling to detain the Committee a single moment; but the hon. Member for Dungarvan (Mr. O'Donnell) had so distinctly alluded to the Members for Donegal that he felt compelled to trouble the Committee with a few observations. There was a good deal more in the question than hon. Members imagined, and especially where it bore upon the North of Ireland, where little towns, villages, and hamlets had sprung into existence entirely upon the faith of the Ulster Custom, and in which the tenants' erections were thus entirely unprotected, and inroads upon their property were constantly occurring, and this was

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especially the case in the counties of Derry and Donegal. He could hardly quote a better instance than the small town referred to by the hon. Member—namely, Carndonagh, in County Donegal, and it might be taken as an example of many other places in the North. The hon. Member was right in saying that £20,000 was about the value of the tenants' interest, and that it was certainly unprotected by law. The tenants had put up the buildings under the promise that they should receive the full benefit of the Ulster Custom, and now they were told they should be excluded from legal protection, as had unfortunately been the case under the Act of 1870. By that special exclusion of the Act the Ulster Custom might not be allowed to protect them; for, although the landlord, who had encouraged them to build, had kept his promise, the property had, perhaps, passed to his son, who, it was reported, might dispose of it, and the purchasers would not be bound by the late owner's promises. Was it, therefore, likely that the tenants would leave £20,000 worth of property at the mercy of the landlord? He would remind the Committee that the small towns and villages were the focus of the agitation; and if this provision allowed the sense of injustice to remain, the better classes of the inhabitants would join with any who might be more disposed to get up an agitation which would be of little or no importance if the injustice were removed. He wished his hon. and gallant Friend (Major Nolan) would alter his Amendment, so as to reduce it to towns of from 2,000 to 3,000 inhabitants; because places of that size were certainly the more within the scope of the Bill, as they might clearly be supposed to depend upon agriculture; at all events, the question was a serious one, and he hoped it would be placed in a proper shape, for now a great injustice might be committed by a landlord, and the law utterly failed to protect the property of the tenant. Indeed, by specially excluding his interest it almost seemed to invite appropriation by the landlord.

MR. O'DONNELL said, he would move to amend the Amendment by altering the figure to 2,000. If this were agreed to, the Amendment of the hon. and gallant Member would apply to towns of 2,000 inhabitants.

*Mr. Lea*

Amendment proposed to the proposed Amendment,

To leave out the words "thirty thousand," in order to insert the words "two thousand,"—*(Mr. O'Donnell.)*—instead thereof.

Question proposed, "That the words 'thirty thousand' stand part of the proposed Amendment."

MAJOR NOLAN said, he could not accept a lower figure than 10,000, because he was sure towns of that size would barely come within the definition of towns influenced by agricultural ideas. He should much prefer 30,000; and although he should not now expect to carry that proposal he thought it would be better to divide on 30,000.

Question put, and agreed to.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 35; Noes 261: Majority 226.—(Div. List, No. 312.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Gladstone.)*

SIR STAFFORD NORTHCOTE: I understand that we are now to report Progress in order to take a Vote on Account. Of course, if the necessities of the Public Service require that money should be taken on account we cannot object; but I think it ought to be very clearly understood, if we are now obliged to take Votes on Account—and we have also a very large amount of Supply still undiscussed and voted—we ought to have a clear understanding from the Government as to the Business with which they intend to proceed. We are now at the 18th of July, and we have still a great deal of work before us on the Bill with which we are engaged. There are necessary measures which we are aware must be got through before the end of the Session, and there is a great deal of Supply to be taken. When, a week or 10 days ago, the Prime Minister made a proposal with regard to the order of Business, he stated, with regard to several measures, that it was not the intention of the Government to proceed with them, but that there were some one or two of great magnitude upon which he, for a time,

reserved his opinion. We think we ought, now that we are asked to report Progress, to have an understanding with regard to these measures. I refer particularly to the Bankruptcy Bill, the Educational Endowments (Scotland) Bill, and the Charitable Trusts Bill.

MR. GLADSTONE said, it would be irregular to answer these questions in Committee, and he would reserve his statement until the House got out of Committee.

SIR R. ASSHETON CROSS: We may be very willing to report Progress for the purpose of going into Supply; but it is perfectly true that we may be unwilling to report Progress if it is to give up the Land Bill in order to get a Vote on Account, and the Government are then to say they do not care to go on with the other Bills. That is exactly what we cannot allow. A Vote on Account was given some months ago on the distinct understanding that no further Vote should be asked for.

THE CHAIRMAN: I must point out that this discussion should be made on the Motion that the Speaker do leave the Chair.

SIR R. ASSHETON CROSS: It is a question of absolute Order, and not a question of reporting Progress. I want to ask a question of positive Order. When a suggestion is made to report Progress for the express purpose of going into Supply, are we not entitled to discuss whether we shall go into Supply or not? All I want is a distinct ruling on a point of Order.

THE CHAIRMAN: As a point of Order, I have no doubt that the discussion upon a Motion to report Progress should be relevant to the Bill, and should not embrace subjects quite extraneous to it. It is not in Order to discuss subjects which belong to the House before the Chairman of Committees.

MR. HEALY said, the Prime Minister had promised to make a statement as to present tenancies when the next clause was reached; but when they came to Clause 45 nothing was said, and the Committee was still as much in the dark as ever. There was considerable uneasiness among Irish Members and in Ireland upon this matter; and he thought it was rather hard on those who had three times tried to raise the subject that they should now be told this was not

the proper place to do so. He appealed to the Government to say what they meant to do.

MR. GLADSTONE said, he would consider the point.

EARL PERCY said, that the Prime Minister had moved to report Progress earlier than usual on this Bill, and wished to know whether it was in Order to ask why that course was taken, and to discuss the reasons which had influenced the Prime Minister?

THE CHAIRMAN: I do not think that is a question which the Chairman has to decide as a point of Order. I have stated that questions relating to the Business of the House and to other Bills before the House should not be brought before the Chairman while the House is in Committee upon a particular Bill referred to it; but that they should be brought forward when the Speaker is in the Chair.

SIR STAFFORD NORTHCOTE: When we are in the middle of a discussion on an important Bill and a Motion is made to report Progress, is it not in Order to put questions as to the reasons and grounds upon which the Government think we can suspend our discussion?

MR. GORST said, the sixth Order of the Day was the second reading of the Bankruptcy Bill, and asked if he should be in Order in asking the Prime Minister whether he moved to report Progress in order to take that Order?

THE CHAIRMAN: I do not think the hon. and learned Member would be in Order. The Question is that we report Progress in reference to the Irish Land Bill now before the Committee.

MR. ARTHUR O'CONNOR said, he had no objection to reporting Progress on the condition that the Government eliminated from the Vote on Account the Votes which were distinctly contentious.

THE CHAIRMAN: I have explained that such questions should come before the Speaker in the Chair, and not before the Chairman of Committees.

MR. ARTHUR O'CONNOR thought that, as a matter of Order, he had a perfect right to state why he should be in favour of a particular Motion, or why he should be against it. If the Government would eliminate the contentious Votes, he should be willing to report Progress.

THE CHAIRMAN: Under cover of the Motion, the hon. Member cannot anticipate the discussion which would properly take place before the Speaker on a Motion to leave the Chair. The hon. Member cannot pursue that discussion.

MR. GLADSTONE: Hear, hear!

MR. ARTHUR O'CONNOR said, he would have the Prime Minister understand that he would take no dictation from him on points of Order. He did not wish to raise any improper discussion; but he wished the Committee to understand why he would not consent, at the present moment, to report Progress unless he had some assurance from the Government that they would abstain from going into contentious matters.

MR. CHAPLIN said, he did not understand whether the Chairman had ruled that the Committee were precluded from inquiring what was the object of the Government in moving to report Progress, nor whether he had ruled that the Government were precluded from informing the Committee; but he should oppose the Motion unless and until the Government condescended to inform the Committee of their objects, upon which they had not had the slightest information.

MR. GLADSTONE: The hon. Member is as inaccurate in point of fact as he is irregular in his proceedings. He was informed, with the Speaker in the Chair, several days ago of the reason why Progress would be moved this evening. With regard to answering the questions, that has been ruled by you, Sir, as out of Order, and it is not for me to interpose, however high may be the authority from which that ruling has been challenged. The proceedings are so unusual that I never, in my whole Parliamentary experience, witnessed anything of the sort. I shall reserve any information I have to give until the Speaker is in the Chair.

SIR STAFFORD NORTHCOTE: Do I understand that the explanation will be given when the Speaker is in the Chair? because if we are satisfied that it is the intention of the right hon. Gentleman to make a statement we have nothing further to say; but the question I put was not at all so unreasonable a question.

MR. GLADSTONE: My words were that I would reserve my explanation till

the Speaker was in the Chair, and I did not give the right hon Gentleman credit for so narrow or blunt an understanding as not to infer that that explanation would be given.

Question put.

The Committee *divided*:—Ayes 162; Noes 58: Majority 104.—(Div. List, No. 313.)

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### PARLIAMENT — BUSINESS OF THE HOUSE.—MINISTERIAL STATEMENT.

MR. GLADSTONE: I did not enter into the questions that were put to me at the time they were asked; but nothing could be more reasonable than that information should be asked for as to the intentions of the Government with respect to certain Bills, and as to the necessity under which we come before the House to ask for a further supply of money. That necessity is extreme and absolute, and without the Vote for which we ask—and we have delayed it till the last moment—we are not able to meet the necessary demands of the Public Service. It was stated by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross)—I cannot but think under some misapprehension—that I had given an absolute and positive pledge that no such Vote should be taken. I am very confident that I never gave a pledge to that effect. I have no doubt I said nothing but extreme necessity would drive us to do so; but an absolute pledge I cannot plead guilty to. The demand we now make is an absolute necessity. As regards the particular Bills, there is one of them, and one upon which the right hon. Gentleman opposite, I think, laid the smallest emphasis in this sense—I mean the Educational Endowments (Scotland) Bill—with which we shall persevere. It is, I believe, a Bill in which the Scotch Members are almost, if not absolutely, unanimous, and it is the one single subject upon which the House of Commons will have performed any work on behalf

of Scotland this Session. The most important measure by far is, of course, the Bankruptcy Bill, and that is a Bill to which we have clung with great tenacity, deeming it to be a matter of the highest importance; but it is our duty to estimate the impediments in the way of its passing; and I perceive with regret—I am not entitled to question the judgment of hon. Gentlemen on the matter—but I regret that they are disposed to offer considerable difficulties. That being so, and in view of the general state of things, we think the time has come when we must abandon the Bill. With regard to the Charitable Trusts Bill, I am sorry my right hon. Friend (Sir William Harcourt), who gave a reply earlier in the evening, is not present, and perhaps I shall be excused from making any positive declaration in his absence. A declaration can be made to-morrow—that can be done to-morrow; but I will undertake to represent to him my own impression with respect to the facility for, or difficulty of, proceeding with that Bill; and I am bound to add that I think the representation I shall have to make will be one that will induce him to desist from proceeding with the measure. With regard to other Bills, perhaps hon. Gentlemen will address their inquiries to the right hon. Gentlemen who have them in charge.

SIR STAFFORD NORTHCOTE: The right hon. Gentleman spoke of the Bankruptcy Bill as though it were a Bill to which hon. Gentlemen on this side of the House might be disposed to offer a good deal of resistance. It was not in that sense that I drew attention to it. It is obviously a Bill of great importance, and one requiring careful discussion; and it cannot, therefore, be hurried through. The point I was directing attention to was the prospect of our being relieved of our attendance here within reasonable time, considering the large amount of necessary Business we still have to transact. The Business of Supply is still so much in arrear that if we are to give any attention to Supply at all it is absolutely necessary to abandon Bills which, however excellent and important, will involve considerable discussion, unless we are to sit to an unreasonable period. I am glad to hear that the Government have decided that it will not be possible to go on with the Bankruptcy Bill; but I hope it will be

understood that it was not to that measure, but to save time, that I drew attention to the matter.

MR. CHAPLIN wished to ask the President of the Local Government Board a question with regard to the Rivers Conservancy and Floods Prevention Bill. He was not opposed to the Bill, but he observed that there were a great number of Notices of opposition to it on the Paper; and, remembering that the Prime Minister had given a general understanding that Bills involving much controversy would not be taken, he presumed he was right in supposing that the right hon. Gentleman would not proceed with it.

MR. DODSON, in reply, assured the hon. Member that he should use every effort to carry the Bill; and he hoped that, with the goodwill of the House, he should be able to do so. The Bill, after being carefully considered by a Select Committee of the Lords, had passed that House; it had been read a second time by a majority of three to one in this House, and had gone through another Select Committee. Although there were a certain number of Amendments on the Paper, he ventured to think that when they came to be discussed they would be found not very serious.

MR. R. N. FOWLER said, that as he did not see the right hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) in his place, he would ask the Prime Minister what course he proposed to take with regard to the South African Question? This was not a question simply of the Transvaal, but of other matters connected with that country. The whole question of the position of the Natives in the Transvaal was a very serious one. There were 670,000 Natives in that country, and a White population of something like 40,000; and it was very important that before the House separated that and other questions should be discussed.

MR. GLADSTONE replied that if the hon. Member would repeat the question that afternoon he should probably be in a position to answer it.

SIR R. ASSHETON CROSS asked for an assurance that the moment the Land Bill was through Committee the House would at once go into Committee of Supply. The House would strongly object if other matters were dealt with after the Vote on Account.



MR. GLADSTONE said, it would be remembered that when it was expected that the right hon. Gentleman (Sir Michael Hicks-Beach) would propose his Motion on the subject of the Transvaal immediately after the Committee on the Irish Land Bill, then the interval before the next stage of the Land Bill he proposed to devote to Supply, and he had promised to give an answer to-morrow, and to state, as far as he could, his intentions with regard to Supply. With regard to other matters, it was not possible to say more than that there were matters of legislation that were quite indispensable; but, at the same time, they were not subjects of much controversy.

EARL PERCY said, perhaps the Prime Minister could say, either now or to-morrow in taking Supply, what Votes would be taken first—the Civil Service or the Army Votes?

MR. ONSLOW desired to know if the Government this Session intended to bring in an Indian Budget at all? This would at least occupy one Sitting; and, if there was such an intention, would the Government give facilities for its discussion, before affording facilities for the Sale of Intoxicating Liquors on Sunday (Wales) Bill, a subject of less importance than the Indian Budget?

MR. GLADSTONE said, he had no doubt whatever that his noble Friend (the Marquess of Hartington) would, as a necessary part of his duty, have a day for the Indian Budget. As for the Sale of Intoxicating Liquors on Sunday (Wales) Bill, he was not at all sure that he would be in a position to offer facilities for it; but the position would more likely be one in which the Government would have to ask the promoters of the Bill to give facilities for Government Business; but, until he had arrived at the means of determining, it would be premature to say more. Due Notice would be given of the Votes to be taken in Supply.

VISCOUNT FOLKESTONE said, the President of the Local Government Board had expressed a hope that the Rivers Conservancy and Floods Prevention Bill would be carried through this Session, because it had passed the House of Lords and been considered by a Select Committee. But it was understood from the Prime Minister that it was not proposed to take any matters of a controversial character, and he

would like to call attention to the number of Notices of opposition to this Bill down on the Paper to-day. There were no less than eight for the postponement of the Committee for six months in the names of hon. Members representing various sections in the House. In the first place, there were three from Members of the Conservative Party, the next stood in the name of a supporter of the Home Rule Party, and there were others in the names of hon. Members below the Gangway on the Government side. Members of every shade of politics had put down their names, and, besides, there were two other Notices upon points upon which an immense amount of opposition might be expected. It was not at all likely that the Bill would get through in reasonable time, and, if it was persevered with, the House would not be released from its labours much before Christmas.

MR. HENEAGE said, the President of the Local Government Board could not be aware of the feelings of hostility to the Bill in the country. He had been a member of the Central Chamber of Agriculture for 16 years, and he never knew a Bill excite such a unanimous opposition from the Associated Chambers. He was certain that the right hon. Gentleman and his Colleagues would only waste their strength and energy in attempting to go on with the Bill at that late period of the Session.

MR. R. H. PAGET asked the President of the Local Government Board to reconsider his opinion. He did not think it was fair to invite the House at that period of the Session to discuss a Bill which, in its full extent, was only known to a few. From his own county, and from other counties interested, he had that day received expressions of opinion that showed how unwise it would be to press the Bill this year. It required much discussion. It received none on the second reading, and was just one of those instances of the inconveniences of allowing that stage to pass *sub silentio*. The Bill demanded that discussion which it had never received, and which it was now too late to enter upon.

#### JUDGES' CHARGES (IRELAND).

##### MOTION FOR AN ADDRESS.

LORD RANDOLPH CHURCHILL said, he did not rise to join in this little

interlocutory conversation, but for the purpose of moving an Amendment to the Motion that the Speaker leave the Chair. He might say that the Motion was entirely due to the courteous and elegantly polished manner in which, early in the Sitting, the Chief Secretary for Ireland refused to give an answer to the Question put by himself and his hon. Friend the Member for Leitrim (Mr. Tottenham). His hon. Friend put an inquiry which was of great importance in reference to the state of Ireland, and the inquiry met with no response from the Chief Secretary. He now felt it his duty to protest against the course adopted by the Chief Secretary; and he rose to move, as a formal Amendment to the Motion that the Speaker leave the Chair—

“That an humble Address be presented to Her Majesty, praying that Her Majesty will cause to be procured and laid before this House, Copies of the Charges delivered by Judges Harrison and Lawson, of the Lord Justice Fitzgibbon, and of Chief Justice May, at the recent Summer Assize in Ireland.”

This was a matter of considerable importance, for they had been unable to extract any information whatever from the Government on the state of Ireland. Alarming accounts were seen in the newspapers of an unbroken series of outrages and disturbances, although the House knew that for the purpose of dealing with this state of things Government had been armed with powers of a most unlimited nature. What was the exact state of Ireland so far as he had been able to get at it? He found that while the House for the last two months had been engaged in discussing the Land Bill there had been a large increase of crime, and that not only of the less serious class of agrarian offences, but of crimes of a serious character. There had been also a large increase in the number of arrests, and in the proclamations issued for dealing with these evils. That was the state of Ireland. Now, what was the number of agrarian offences in March last, when the Chief Secretary asked for his Bill? The agrarian offences were 145. In April, after the passing of the Coercion Bill, they rose to 291; in May they rose to 337; and in June they remained 336. This was the testimony of figures; but the House also wanted on this point independent testimony, and no testimony was of such

value as that contained in the Charges of the Judges delivered to Grand Juries when they proceeded on their Circuits. More than that, it was by these Charges that the Government were themselves guided in estimating the state of the country, and it was made a strong point by the Chief Secretary in bringing in the Coercion Bill. Now, the Government seemed to be under an impression that they held no responsibility to Parliament at all, that this Bill relieved them from that, that all the ordinary Business of the Session might be left to go anyhow; even when the Government had suspended all the Constitutional liberties of Ireland, they were relieved from all responsibility on their part, because they were engaged in the Irish Land Bill. Now, he did not think that was at all the right view to take. He asked the Chief Secretary if he would endeavour to procure the Judges' Charges and lay them before the House. Of course, these Charges contained most valuable information as to the existing state of things in Ireland after four months of the Coercion Act; but the Chief Secretary made no answer at all. The Chief Secretary did say previously that there was a difficulty in procuring copies of these Charges; but to this it might be said there would be no real difficulty, because, in all probability, the Judge would have made notes; there were also the shorthand writer's notes, and, in any case, there were full and ample reports in the Irish newspapers, and it was perfectly easy to submit the report to the Judge for correction. It was no uncommon thing to lay Judges' Charges before the House. It was done in the case of trials on Election Petitions, and he should think that a Judge's opinion on the state of Ireland was more important than his opinion of a corrupt borough. Those who read Irish newspapers knew perfectly well that the Reports of these Judges presented a most gloomy picture of the state of Ireland; but these Charges had been shortly and imperfectly reported in the English Press, and the public, as a whole, were not acquainted with the real state of Ireland. Now, it was in order that the English public might have the state of Ireland brought home to them, and might know, in spite of the Coercion Act and the Land Bill, what success the Government had had in governing Ireland, that he

moved for this Address. Unless Parliamentary attention was drawn to this matter, it was impossible to get at the state of affairs, and he could find no better way than by laying these Judges' Charges before Parliament. He would also point out that not only was there a serious increase in crime, and that of more serious crime, but the general strike against all payment of debts went on in a more acute manner than ever. He could tell the House of instances that would show the extent of this. He knew of two cases in London where ladies, dependent for their living upon their portions charged upon Irish estates, had actually to apply to a London workhouse for out-door relief, they having received no payments since the Government came into Office. That might be but a coincidence, but it was a fact. The other day he heard of a gentleman, who had a large property in Ireland, who had had to remove his two sons from school and send them to a Board school. [*Laughter.*] That might seem a good joke to the hon. Member for Stockton and the Radical Party; the more poverty and misfortune overtook the upper classes the more were the Radical Party satisfied with that state of things. All this while crime in Ireland was increasing, arrests were increasing, proclamations were increasing, while time was idled away on the Land Bill, which was made the excuse for the neglect of all ordinary Business. When opportunity offered, the Government were ever ready to accuse the Opposition of making unfounded charges; but they were now only asked for information. If what he had said was not correct, let the Government produce their Judges' Charges, they would give a far better description of the state of Ireland than he could pretend to give. But if the Chief Secretary wrapped himself in silence, as he did in answer to a Question that afternoon, at least, he (Lord Randolph Churchill) was justified in calling attention to the importance of the subject, and to the inference that the Government dared not produce these Charges.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will cause to be procured and to be laid before this House, Copies of the Charges of Judges Harrison and

Lawson, of the Lord Justice Fitzgibbon, and of Chief Justice May, at the recent Summer Assize in Ireland,"—(*Lord Randolph Churchill*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. W. E. FORSTER said, he did not know whether he owed an apology to the noble Lord, but he was sure he did to the House, for an unfortunate reticence on his part, which had led the noble Lord to give the Chief Secretary and the House the benefit of his remarks at greater length than was expected. If those remarks had merely been addressed to the Chief Secretary for Ireland, it was not so much matter. The simple reason why he did not answer in the afternoon was because he did not think the Question was seriously intended. He did not repeat, what he had stated before, that he had no power in respect to these Judges' Charges to procure an official Report, and he thought it was generally understood that he had no authority to lay these Charges on the Table. They were not written documents. The noble Lord said they might be obtained from newspaper reports, after asking the Judges to correct them; but that, surely, was not the way to procure documents to lay on the Table. The noble Lord also stated that the Charges in the case of Election Petitions had been produced; but in those cases it was well understood beforehand that this was to be done, but it had never hitherto been done in the case of Judges' Charges to juries. He (Mr. W. E. Forster) could not undertake to produce them. He would be glad if they were produced, for there was nothing that he could not wish to make known. It was quite true that in former debates he referred to these Charges; but he quoted them from the newspapers, as the noble Lord had done; but it was out of his power to make them official documents, and it would be creating a remarkable precedent to do so. He would not detain the House at that time; he would only say it was not in his power to comply with the noble Lord's request. But as to a general debate on the state of Ireland, if the noble Lord wished to call it up, he (Mr. W. E. Forster) would be prepared at the proper time to meet it.

*Lord Randolph Churchill*

MR. A. M. SULLIVAN said, he recognized the noble Lord's sincerity when he desired that the English people should know the truth about Ireland, and he said that the truth was to be learned from the Judges' Charges. But then he picked out just three or four special Charges, and that was the way he would instruct the people of England on the state of Ireland. Now, he would beg leave to tell the noble Lord that when the English people wanted to be informed on the state of Ireland, the last place where they would get a true picture would be in the gloomy colouring of the Charges he had made the object of his Motion.

MR. ARTHUR O'CONNOR said, he was not surprised that the Chief Secretary for Ireland had not regarded the noble Lord's Question as serious, and he doubted if anyone in the House did. But he did not propose to detain the House on that subject; but he wished to point out that the Motion that the Speaker do leave the Chair was made in order that the House might go into Committee of Supply on the Civil Service Votes, which numbered 115. Some of these were very different from others, and he wished to ask the Government if they had any objection to postpone five out of the number? These five involved very small sums; but they were distinctly of a contentious character, and a discussion upon them could not be taken at that hour. One of these Votes was for the Office of Privy Seal, for which the Government only asked £500. It was an Office which the Liberal Party a few years ago proposed to abolish when in Opposition, and a division was taken, in which the Motion was only defeated by a majority of 32. The other Votes he referred to were those for the Lord Lieutenant's Household, the Chief Secretary's Office, the Vote for Criminal Prosecutions (Ireland), and the Constabulary Vote. He thought the Government would see the application was reasonable; and, if granted, he thought there would be no opposition to going into Committee.

MR. CHAPLIN said, the hon. and learned Member for Meath (Mr. A. M. Sullivan) complained that the noble Lord had selected only four Judges' Charges; but there was nothing unreasonable in that—[*Interruptions.*] He would be grateful to the hon. Member for Stockton (Mr.

Dodds) if he would refrain from interruptions by means of inarticulate noises. The hon. Member was in the habit of doing this without, so far as he could judge, contributing anything to debates and discussions in the House. He would be glad if the hon. Member would control himself. The noble Lord had selected those Charges which contained a description of the state of things in Ireland at the present time, and which contained most reliable statements. However, as the Chief Secretary for Ireland had pointed out that it was out of his power to produce these Charges, he had no doubt that, under the circumstances, the noble Lord would not persevere with his Motion. But he might venture to remind the right hon. Gentleman that, in the answer he gave to the hon. Member for Leitrim (Mr. Tottenham), he stated that these Charges were under the grave and serious consideration of the Government. Now, if that were so, as it was undoubtedly right it should be, and if there was no precedent, then it was worthy of serious consideration whether the Government were not justified in establishing a precedent for the future by taking such measures as would enable them, where it was necessary and proper, to lay these Charges on the Table of the House. The House had grave reason for anxiety. He recollected that at the close of last Session attention was called to the condition of Ireland, and statements and assurances had been given by the Government which had not been strictly fulfilled. And now they were approaching the end of another Session, and, under the circumstances, and considering the state in which Ireland was, the noble Lord, in calling attention to the subject, had done nothing but fulfilled a duty.

MR. DODDS said, the noble Lord the Member for Woodstock (Lord Randolph Churchill), as well as the hon. Member for Mid Lincolnshire (Mr. Chaplin), had taken the liberty of referring to him (Mr. Dodds) personally in a manner which he conceived to be wholly unwarrantable. He called the House to witness how constantly they wasted valuable time in a way which, in the opinion of the great majority of the House, was wholly unjustifiable; and because he (Mr. Dodds), in common with many other hon. Members of that House, had, as they were perfectly justified in doing,

in accordance with the established usage and practice of the House, expressed their disapprobation of such unwarrantable conduct, they had been subjected to those personal attacks by the noble Lord the Member for Woodstock and the hon. Gentleman the Member for Mid Lincolnshire. Those hon. Members constantly and persistently wasted the time of the House in a most unwarrantable manner; and if, instead of that, they more frequently imitated him (Mr. Dodds) and other hon. Members and kept their seats, the Business of the country would make greater progress, and there would be no necessity for any manifestation of impatience. If every Member of the House abused its privileges in the same manner as the noble Lord the Member for Woodstock and the hon. Member for Mid Lincolnshire it would be impossible to transact any Business whatever. The noble Lord had, by his injudicious Amendment to the Motion, "That Mr. Speaker do now leave the Chair," at that unseasonable hour—between 2 and 3 o'clock in the morning—set up a windmill; and it was a humiliating spectacle to see the noble Lord crawling up the Gangway to his Friend the Member for Mid Lincolnshire, to get him to help him out of his difficulty, and knock it down by suggesting, as he had done, that the Motion should be withdrawn. He (Mr. Dodds) hoped that the House would not permit that groundless Amendment to be withdrawn, but would emphatically negative it, and thus mark their sense of the conduct pursued by the noble Lord and the hon. Member opposite.

MR. T. P. O'CONNOR said, he did not wish to interfere in a charming domestic quarrel with which he had nothing to do; but he expressed his personal regret that the Chief Secretary for Ireland had been unable to comply with the request of the noble Lord. Those who knew Ireland would understand that many of these Judges' Charges were in the nature of prize essays in competition for the Land Commission; and, perhaps, now that was over, there would be less of these pictures with Salvator Rosa colouring. Those who understood the people of Ireland and the undercurrents of Irish life, and the movements that went on behind the judicial scenes, were perfectly aware why Mr. Justice Lawson and several other of the learned

Judges indulged in these histrionic performances on the Judicial Bench. The production of these Charges would, if accompanied by something like a truthful description of the gyrations of those political personages when they were delivering their Charges, be a great advantage to the House. If the Charge delivered by Mr. Justice Lawson at the Kerry Assizes could have been given, with some comment on the excited tone in which it was delivered, he (Mr. T. P. O'Connor) would have been able to bring before the House a Motion which it had long been his purpose and desire to introduce calling for the removal from the Bench of Mr. Justice Lawson and Mr. Justice Fitzgerald. He did not know whether he would include all the four Judges; but he would have moved for the prompt, if not the immediate, removal from the Bench of those two hot partizans, who went through those ignoble performances on the Bench in the hope of getting every bit of patronage.

MR. MACARTNEY rose to Order, and asked whether it was competent for any Member of that House to speak in such disrespectful terms of the Judges of the land?

MR. SPEAKER: The language of the hon. Member with reference to persons of high position and character is unguarded, to say the least of it; but I am not prepared to say that it is not within the bounds of Order.

MR. T. P. O'CONNOR said, he would not have alluded to those Judges except for the noble Lord having spoken of them as trustworthy persons. They were the men who had been calumniating the character of their countrymen; and was he to be mealy-mouthed when he came to tell the House what he thought of these ermined partizans, who were running away with the character of their country? He did not think there would be many more such Judicial Charges now that the Government had bestowed the Commissionerships under the Land Bill, for the Judges would adopt a much milder tone, and their pictures of Irish life would be much less exaggerated.

MR. HEALY observed, that the Chief Secretary had said that he did not think the noble Lord, in asking his Question to-day, could be serious—and it was a most remarkable thing that whenever the Chief Secretary was put in an awk-

*Mr. Dodds*

ward position he did not think the question serious. That was his refuge. There was another remark made by the right hon. Gentleman—namely, that this was not the time to bring this matter forward. That was the favourite method of meeting matters of this kind, and the Chief Secretary knew very well that there was no other opportunity but when the adjournment of the House was moved for Members to elicit information. It seemed to him that the time of the Chief Secretary never would come. He only wished it would; and, with regard to these particular Charges which the noble Lord, with his knowledge of Irish life, laid so much stress upon, the noble Lord knew that everything that was said by the Judges was rehearsed in the Privy Council. The way the little game was worked was this. The Government wished to suspend a province or a county, and the Privy Council and the Judges received the tip from the Chief Secretary, and the Judges then went down into the country and made a great cry about its condition, which they painted in the blackest hues they could. It was by these means that the Coercion Act was passed. Mr. Justice Fitzgerald, at Cork, knew beforehand that it was the intention of the Government to apply for coercion, and he having blown the last trumpet in Cork, the Chief Secretary came to the House and read long extracts out of his Charges. He put it to the noble Lord whether he ought to treat the Judges' Charges seriously? They were echoes of Dublin Castle, and ought only to be treated in that way.

LORD FREDERICK CAVENDISH thought every hon. Member would agree that this discussion had lasted long enough; and, with regard to the observations of the hon. Member for Queen's County (Mr. Arthur O'Connor), he should be very glad, if possible, to accept his proposition; but he felt that it would not be in his power to do so. The Votes referred to were taken on the recommendation of the Public Accounts Committee of 1866 and 1867, who advised that Votes on Account should be taken for such Services as had already been sanctioned by Parliament. Therefore, it was not the fact that only such sums should be taken as were necessary. These Votes had been examined most carefully, and nothing had been asked

for that was not required. The noble Lord had stated that there were contested Votes; but there would be exactly the same opportunity for testing these Votes whether these Votes were taken on account or not, and the hon. Member would have as good an opportunity of opposing any of the Votes when they were dealt with in Committee of Supply as if no Vote on Account were taken. He, therefore, hoped the hon. Member would be content to allow the Government to take a certain amount on these contested Votes.

MR. HICKS said, he thought the House was entitled to ask the President of the Local Government Board for an answer to the appeal made to him by the hon. Member for Mid Lincolnshire (Mr. Chaplin) and the hon. Member for Mid Somersetshire (Mr. R. H. Paget). The Rivers Conservancy and Floods Prevention Bill, no doubt, dealt with a subject of great interest, and was intended to remove a serious evil. It covered a great tract of country, and introduced into local taxation a principle of which—

MR. SPEAKER: The hon. Member is not at liberty to discuss the merits of this Bill on the Motion before the House.

MR. HICKS said, he was only desirous to learn from the President of the Local Government Board whether it was intended to proceed with the Rivers Conservancy and Floods Prevention Bill?

MR. R. N. FOWLER wished to say one word in consequence of what fell from the hon. Member for Stockton (Mr. Dodds). That hon. Member had charged the noble Lord the Member for Woodstock and the hon. Member for Mid Lincolnshire with wasting the time of the House. With regard to the noble Lord, he would remind the hon. Member of an authority which he would respect—namely, the Prime Minister. In a debate last Session the Prime Minister had paid a high compliment to the noble Lord the Member for Woodstock on the speech which he delivered upon the course taken by the noble Lord the Member for Middlesex (Lord George Hamilton), and other Members, in regard to the financial policy of the Government. The hon. Member for Mid Lincolnshire had been a Member of the Duke of Richmond's Commission,

and he would appeal to the House whether the hon. Member was in the habit of wasting the time of the House?

MR. MACARTNEY said, that with reference to the speech of the hon. Member for Wexford (Mr. Healy), he did not believe that the Judges did act in any way in concert with the Privy Council in getting up mock statements with regard to the state of the country. He believed that they stated the facts that appeared before them; but he was happy to say that in one part of Ireland, where the population was more loyal and industrious than in other parts, one Judge had had the agreeable task this year of receiving from the Sheriff a pair of white gloves. That was in the county which he himself represented.

MR. BIGGAR said, the Government seemed to him to have acted in an erratic manner, and from some underhand motive, and to have obtained information unobtainable by any one individual from any part of the outside world. He was very much opposed to these Votes being brought on at this time of the night; and he thought it would very much facilitate Business if the Government postponed the four or five Votes suggested by the hon. Member for Queen's County. The first Vote was for the Privy Seal, which was a Vote that could not be defended upon its merits, and he would suggest that the Government should agree to postpone the contested Votes. The Land Bill could not last more than another week, and on Monday those Votes could be properly discussed instead of having to be discussed twice over.

Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

#### SUPPLY—CIVIL SERVICES AND REVENUE DEPARTMENTS.

SUPPLY—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a further sum, not exceeding £2,345,600, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1882, viz. :—

*Mr. R. N. Fowler*

#### CIVIL SERVICES.

#### CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

England :—	£
Colonial Office .. .. .	- -
Privy Council Office and Subordinate Departments .. .. .	- -
Privy Seal Office .. .. .	500
Board of Trade and Subordinate Departments .. .. .	20,000
Charity Commission (including Endowed Schools Department) .. .. .	5,000
Civil Service Commission .. .. .	5,000
Copyhold, Inclosure, and Tithe Commission .. .. .	2,000
Inclosure and Drainage Acts Expenses	- -
Exchequer and Audit Department .. .. .	5,000
Friendly Societies, Registry .. .. .	1,000
Local Government Board .. .. .	25,000
Lunacy Commission .. .. .	2,000
Mint (including Coinage) .. .. .	15,000
National Debt Office .. .. .	2,000
Patent Office .. .. .	3,000
Paymaster General's Office .. .. .	2,000
Public Works Loan Commission .. .. .	1,500
Record Office .. .. .	3,000
Registrar General's Office (including Census) .. .. .	10,000
Stationery and Printing .. .. .	40,000
Woods, Forests, &c., Office of	2,000
Works and Public Buildings, Office of	5,000
Secret Service .. .. .	5,000
Scotland :—	
Exchequer and other Offices .. .. .	500
Fishery Board .. .. .	1,000
Lunacy Commission .. .. .	500
Registrar General's Office (including Census) .. .. .	2,000
Board of Supervision .. .. .	10,000
Ireland :—	
Lord Lieutenant's Household .. .. .	1,500
Chief Secretary's Office .. .. .	7,000
Charitable Donations and Bequests Office .. .. .	300
Local Government Board .. .. .	30,000
Public Works Office .. .. .	10,000
Record Office .. .. .	1,000
Registrar General's Office (including Census) .. .. .	2,000
Valuation and Boundary Survey .. .. .	5,000

#### CLASS III.—LAW AND JUSTICE.

England :—	
Law Charges .. .. .	15,000
Public Prosecutor's Office .. .. .	600
Criminal Prosecutions .. .. .	30,000
Chancery Division, High Court of Justice .. .. .	15,000
Central Office of the Supreme Court, &c. .. .. .	15,000
Probate, &c. Registries, High Court of Justice .. .. .	15,000
Admiralty Registry, High Court of Justice .. .. .	2,000
Wreck Commission .. .. .	2,000
Bankruptcy Court (London) .. .. .	5,000
County Courts .. .. .	40,000
Land Registry .. .. .	1,500

1221 *Supply—Civil Services* [JULY 18, 1881] *and Revenue Departments.* 1222

	£
Revising Barristers, England ..	- -
Police Courts (London and Sheerness) ..	4,000
Metropolitan Police ..	60,000
County and Borough Police, Great Britain ..	2,000
Convict Establishments in England and the Colonies ..	70,000
Prisons, England ..	50,000
Reformatory and Industrial Schools, Great Britain ..	70,000
Broadmoor Criminal Lunatic Asylum ..	2,000

Scotland:—

Lord Advocate, and Criminal Proceedings ..	10,000
Courts of Law and Justice ..	- -
Register House Departments ..	- -
Prisons, Scotland ..	10,000

Ireland:—

Law Charges and Criminal Prosecutions ..	15,000
Supreme Court of Judicature ..	5,000
Court of Bankruptcy ..	500
Admiralty Court Registry ..	100
Registry of Deeds ..	2,000
Registry of Judgments ..	200
County Court Officers, &c. ..	16,000
Dublin Metropolitan Police (including Police Courts) ..	15,000
Constabulary ..	120,000
Prisons, Ireland ..	10,000
Reformatory and Industrial Schools ..	5,000
Dundrum Criminal Lunatic Asylum ..	500

CLASS IV.—EDUCATION, SCIENCE, AND ART.

England:—

	£
Public Education ..	500,000
Science and Art Department ..	10,000
British Museum ..	20,000
National Gallery ..	1,000
National Portrait Gallery ..	300
Learned Societies, &c. ..	- -
London University ..	500
Deep Sea Exploring Expedition (Report) ..	- -
Sydney and Melbourne International Exhibitions ..	1,000

Scotland:—

Public Education ..	50,000
Universities, &c. ..	- -
National Gallery ..	- -

Ireland:—

Public Education ..	120,000
Teachers' Pension Office ..	200
Endowed Schools Commissioners ..	- -
National Gallery ..	300
Queen's University ..	500
Royal University ..	200
Queen's Colleges ..	2,000
Royal Irish Academy ..	- -

CLASS V.—FOREIGN AND COLONIAL SERVICES.

	£
Diplomatic Services ..	40,000
Consular Services ..	10,000

	£
Suppression of the Slave Trade ..	- -
Tonnage Bounties, &c. ..	1,000
Suez Canal (British Directors) ..	400
Colonies, Grants in Aid ..	5,000
Orange River Territory and St. Helena ..	- -
Subsidies to Telegraph Companies ..	9,000

CLASS VI.—NON-EFFECTIVE AND CHARITABLE SERVICES.

	£
Superannuation and Retired Allowances ..	20,000
Merchant Seamen's Fund Pensions, &c. ..	- -
Relief of Distressed British Seamen Abroad ..	4,000
Pauper Lunatics, England ..	1,000
Pauper Lunatics, Scotland ..	36,000
Pauper Lunatics, Ireland ..	10,000
Hospitals and Infirmaries, Ireland ..	2,000
Friendly Societies Deficiency ..	- -
Miscellaneous Charitable and other Allowances, Great Britain ..	- -
Miscellaneous Charitable and other Allowances, Ireland ..	500

CLASS VII.—MISCELLANEOUS.

	£
Temporary Commissions ..	7,000
Miscellaneous Expenses ..	500

Total for Civil Services £1,685,600

REVENUE DEPARTMENTS.

	£
Customs ..	60,000
Inland Revenue ..	120,000
Post Office ..	220,000
Post Office Packet Service ..	100,000
Post Office Telegraphs ..	160,000

Total for Revenue Departments £860,000

Grand Total .. £2,345,600

MR. DILLWYN said, after the discussion that had taken place, he did not wish to occupy time beyond saying that he unwillingly assented to taking Votes on Account, and always had objected to a course that gave the possibility of Supply being put off to the very end of the Session. He hoped the Government would not make use of this power. He was aware that the Government on this occasion were not to blame for the delay in Supply, and that the circumstances were altogether exceptional; but he could not avoid expressing his opinion that if Supply were taken in a more business-like manner the necessity for Votes on Account would not arise.

MR. ARTHUR O'CONNOR said, he would not divide the Committee on the Vote; but if any other hon. Member



had felt it his duty to do so, he would have supported him. He endorsed the remarks of the hon. Member for Swansea, and protested against a system that relegated to the last week of the Session Votes which the Committee were then not in a position to scrutinize. The Prime Minister had said Votes did not obtain the scrutiny they deserved; and he (Mr. Arthur O'Connor) was convinced that a needless burden was thrown on the public by the fact that details of the expenditure by Public Departments were not investigated as they ought to be by the Committee. He thought he might lay claim to moderation when he abstained from a detailed criticism, for he had very strong feelings with regard to the Votes he had already mentioned. He would put aside the Irish Votes, which he thought he should be justified in challenging in any case, and refer only to one Vote. When the Party opposite were in Opposition they were prepared to do away with the Office of Privy Seal, and it was only retained by a majority of 32. It was this Vote that he sought the opportunity of challenging, and he thought it was hardly reasonable for the Government to refuse the postponement of the five Votes he had asked for.

LORD FREDERICK CAVENDISH said, he recognized the moderation with which the hon. Member had urged his request, and he should have been glad if, without inconvenience to the Public Service, he could have acceded to the postponement. But he reminded the hon. Member that he would, in a short time, have the opportunity of raising the discussion he desired.

MR. HEALY said, as there had been a lengthened discussion on Supply, his remarks should be few. There was a Vote for Secret Service, and he wished to know how it was possible to make any practical use of this, seeing the unskilful manner in which those who were set to do the work of spies went about their business. It was usual to set spies on the houses of Irish Members; but this was done in such an unskilful manner that it was perfectly obvious to those concerned that they were being watched. How was it possible for the detectives, and those who got blood-money, to be of any use in hunting up murderers of the Lefroy description when they carried on their system in such

a manner that the objects of their attention were perfectly conscious of what was going on? He did not so much complain that the Home Office should have an interest in watching his movements, and perhaps Irish Members might find interest in setting a watch on the private habits of Members of the Government; but he could not think the detective system was efficient, when even such unsuspecting persons as Irish Members knew exactly when the spying was carried on. But when the time arrived he would refer to this—his point now was this. The other night they had a discussion on the Public Works (Ireland) Department, and the burden thrown upon it by the Land Bill; and he asked the noble Lord whether they should have any opportunity of discussing the Board of Works and the proposed scheme of reform, and the noble Lord told him they would not.

LORD FREDERICK CAVENDISH said, the discussion would be on the Vote, not on the scheme of reform.

MR. HEALY said, he was told there was no scheme of reform. Now, he complained that they were induced to pass a certain class of Bills on the representation that reforms would be carried out in the Board; that changes, at all events, would be made in the Office. The noble Lord's answer was that the Board would be strengthened; but he now understood that the strengthening was merely the addition of another Commissioner, and this appointment was absolutely necessary to bring matters within the legal provisions of an Act of Parliament. The Board had actually been below its legal strength. When the subject came on for discussion he should offer a few remarks upon it, when, perhaps, the noble Lord would be better prepared. There was another feature he desired to mention in connection with the Registrar General's Department, which was concerned in the preparation of the Census Returns. It was astonishing that the English Department issued their Abstract so much earlier than the Irish Abstract was issued. It was much to the credit of the English Department that they did this, considering the amount of work in each case. In connection with the Census of 1871, he had occasion to speak with a gentleman in the Irish Census Department, and asked him when he

*Mr. Arthur O'Connor*

thought all the Returns would be out? His reply was characteristic. He said, with judicious management, he thought they might be made to last four or five years more, and this was two years after the Census.

MR. W. E. FORSTER said, he might be allowed to remark that this year the Irish Abstract was out first.

MR. HEALY said, if that were so, he was glad to hear it. All he could say was that he had had the English Census delivered among his Parliamentary Papers, but not the Irish. Another point he desired to question was the Irish Law Charges and costs for prosecutions. There was no information as to the cost of the State Trials, and he would like to know from the Attorney General for Ireland if any statement could yet be given, before the matter came on for discussion? It was seven or eight months since the trials, and it was not too much to ask now for some idea of the cost.

*House resumed.*

Resolution to be reported *To-morrow*, at Two of the clock.

Committee to sit again upon *Wednesday*.

#### VETERINARY SURGEONS BILL—[*Lords.*]

(*Mr. Mundella.*)

[BILL 214.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Mundella.*)

DR. LYONS desired to remind the Government of the necessity of a Veterinary College for Ireland. Ireland stood very much in need of veterinary surgeons, and strong representations had been made to the Government on the subject; and he begged to ask on behalf of many persons interested, whether the Government could give any assurance that they would advise the issue of a Charter for an Irish Veterinary College?

MR. W. E. FORSTER said, the entire question was before the Lord Lieutenant for consideration; he was not aware that the question would be raised now. He was not prepared to say the Government would advise the issue of the Charter.

MR. HEALY asked the Vice President of the Council if he would postpone the Bill for a day or two?

MR. MUNDELLA said, the provisions of the Bill were well known, and it had been amply discussed in the other House. He hoped the second reading might now be taken. He might add that it was as much in the interests of the owners of cattle and of humanity as of veterinary surgeons.

MR. WHITLEY said, the Bill contained one highly objectionable clause, which would allow a man who simply had practised for some years, though without any qualification whatever, to represent himself as duly qualified. He did think that such a clause should be expunged, and he believed the President of the Veterinary College had drawn attention to the point.

MR. MUNDELLA said, that was really a question for Committee; but, at the same time, he might say that the President of the College had called upon him, and had urged him to take charge of the Bill. There was a clause that would allow a man, who had practised for five years, to continue that practice hereafter; and he thought that such a term of practice argued that a man was qualified.

Motion agreed to.

Bill read a second time, and committed for *Friday*.

#### METROPOLITAN BOARD OF WORKS (MONEY) BILL.—[BILL 204.]

(*Lord Frederick Cavendish, Mr. John Holmes.*)

SECOND READING.

Order for Second Reading read.

LORD FREDERICK CAVENDISH said, he hoped the House would allow this Annual Bill to be now read. There were various points to be raised in Committee, and that stage would be fixed at a time to allow of discussion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Frederick Cavendish.*)

MR. FIRTH hoped the Bill would be read a second time now; but he wished to call attention to the fact that it contained the power to raise £4,500,000, and this had never been discussed by the Representatives of the people of London. There were a number of items

contained in it that required the closest criticism, and a number of charges which it was questionable whether the Board of Works should have the power to incur. Among the items were £300,000 for the Artizans' Dwellings Act, the whole effect of which was now being considered by a Committee; an expenditure of £1,500,000 for street improvements, which the Board were not likely to proceed with; an enormous sum for bridges, and a power to lend £50,000 to the Asylums Board, for purposes condemned by all parts of London. But these matters could not be discussed now. He would, therefore, call attention to the necessity of having these matters discussed by some body representing the ratepayers, who had to find the money. Half-past 2 was not the hour to discuss a Bill dealing with £4,500,000. He hoped the Bill would be read a second time; but he wished to protest against the system, and to take the opportunity of pointing out the necessity of having these matters discussed by a representative body, without the House being troubled with them.

MR. MONK said, this was not a proper hour to discuss the Bill, and thought the discussion would be more appropriate on the Committee stage than on the second reading. There were matters that might well be considered in a small Select Committee, and he should be glad if the noble Lord (Lord Frederick Cavendish) would agree to send the Bill to a Select Committee before the House was asked to give its assent to so large an expenditure as £4,500,000 by the Metropolitan Board of Works.

SIR JAMES M'GAREL-HOGG said, he was glad that opposition was not offered to the second reading. The matters contained in the Bill had already been submitted to Parliament, and every possible facility given for discussion. He might point out that by means of this Annual Money Bill, which was introduced a few years ago, the House had the means of discussing the matters twice over, and, in fact, a double check. As to the one or two matters mentioned by the hon. Member for Chelsea, he would be glad to discuss them in Committee. The two bridges which it was proposed to rebuild, were fast tumbling down, and if not rebuilt must cost a continual expenditure in patching up. The other items were in respect to

schemes that already received the sanction of Parliament, and which the Board was bound to carry out. As to the suggestion for a Select Committee, he hoped that would not be pressed, for, if adopted, the Bill might be prevented from passing this Session.

*Motion agreed to.*

Bill read a second time, and committed for Thursday.

RIVERS CONSERVANCY AND FLOODS PREVENTION (*re-committed*) BILL—[*Lords.*]

(*Mr. Dodson.*)

[BILL 120.] COMMITTEE.

Order for Committee read.

MR. CHAPLIN asked the Government what were their real intentions with regard to this Bill? Did they really mean to proceed with it this Session? He was quite aware that, at an earlier part of the Sitting, the President of the Local Government Board said that was his intention; but after he made that statement the Government must have observed that great opposition was manifested towards the Bill—opposition coming from both sides of the House. When private Members consented to surrender their own days for the rest of the Session, they did so to facilitate the progress of the Irish Land Bill and all necessary measures—nothing else—and it was also on the distinct understanding that the Session should not be unduly prolonged by taking measures upon which any considerable controversy would arise. Now, he would ask the Government, after the manifestations displayed this evening, and seeing that there were 10 Notices of opposition to the measure on the Paper, whether this Bill did not come within the category of controversial matter; and if, under the circumstances, they really intended to proceed with it this Session? He asked this question for the information and on behalf of many Members not then present; and he might say for himself that the objection he entertained for the measure as originally introduced had been, to a great extent, removed by the changes that had been made in it. But, whatever might be his own view, that did not alter the fact that, having regard to the Notices on the Paper, the Bill was certainly of a controversial character; and he hoped that, under the

*Mr. Firth*

circumstances, the Government would reconsider their decision, and not proceed with the Bill that Session.

MR. DILLWYN said, it was not a strong opposition.

MR. ARTHUR ARNOLD said, the Government would do well to take very little notice of what the hon. Member for Mid Lincolnshire called "manifestations" in the House that evening. It was within his (Mr. Arthur Arnold's) knowledge that during the last 48 hours no fewer than 80 Members belonging to both sides of the House had signed a letter to the Prime Minister, begging him to go on with the measure. With this expression of strong support he hoped the Government would proceed with the measure.

MR. BROADHURST said, the opposition to the Bill came from a very small minority of Members, and he sincerely trusted the Government would not give way to it. Let them remember the enormous number of poor struggling tradesmen, labouring people, and tenant farmers who were suffering each year from the want of some such measure. He certainly looked upon it as a Bill so important that the House should remain in Session until it was passed, and as only second in importance to that Bill upon which the House had been so long engaged.

MR. DODDS said, he hoped the Government would not listen to the admonitions of the hon. Member for Mid Lincolnshire with reference to the Bill, but would rather listen to the advice of their own Friends.

MR. LEEMAN expressed his astonishment at the slur cast upon the Government by the hon. Member for Mid Lincolnshire in regard to this measure.

MR. CHAPLIN said, he cast no slur upon the Government; he merely reminded them that they had undertaken not to proceed with measures of controversy.

MR. LEEMAN said, this Bill was one which affected the whole of England very materially, and he trusted the Government would not be inclined for one moment to refrain from adhering to their intention.

MR. R. N. FOWLER, referring to the remarks of the hon. Member for Stockton, mentioned that the Bill was blocked by four Members, who were usually supporters of the Government.

MR. HIBBERT said, there was a very strong feeling in favour of the Bill being proceeded with; and if it was possible to carry the Bill through, his right hon. Friend and the Government would endeavour to pass it.

MR. DUCKHAM said, that, whatever might be the feeling of the Government, there was a very strong feeling throughout the country against the Bill. It had been discussed very freely and fully at the Central Chamber of Agriculture a few months ago, and a unanimous opinion had been expressed in opposition to the measure.

EARL PERCY said, that, after the speech just made, he should like to ask the Government, not whether any Members were in favour of the Bill, but whether there was a distinct expression of feeling against the Bill by a respectable section of the House, not animated by Obstruction, and whether the measure had not come, therefore, under the description of contentious matter? He was strongly in favour of Members using all the power they had to prevent a measure being proceeded with if they objected to it, after the promise which had been given by the Government.

*Committee deferred till Thursday.*

#### SUMMARY PROCEDURE (SCOTLAND) AMENDMENT BILL—[*Lords*.]

(*The Lord Advocate.*)

[BILL 216.] SECOND READING.

Order for Second Reading read.

COLONEL ALEXANDER said, that, looking to the fact that the Government had withdrawn the Teinds Bill because hon. Gentlemen had threatened to oppose it at every stage, he would ask the Government whether the time had not come for moving that the second reading of this Bill should be discharged? He announced that if the Government did not take that course by Thursday next, he himself should move the discharge.

THE LORD ADVOCATE (MR. J. M'LAREN) stated that this was a Bill to extend to Scotland the provisions of the Summary Jurisdiction Act, 1879, introduced by the right hon. Gentleman opposite (Sir R. Assheton Cross), who, he believed, had intended to extend it to Scotland.

MR. DICK-PEDDIE observed, that the Bill was not in the hands of Members, and he therefore thought it would

be wrong to go on with the second reading.

THE LORD ADVOCATE (Mr. J. M'LAREN) admitted that, technically, that was the fact; but copies of the Bill had been printed for the House of Lords, and had been procured by hon. Members. Of course, it was in the power of the hon. Member to postpone the Bill on that ground; but he thought his object would be met by allowing the Bill to be read a second time, and then he (the Lord Advocate) would be willing to defer the further stages.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

MR. DICK-PEDDIE said, there were strong objections to the Bill on the part of some of the Procurators Fiscal, and he thought it would be better that the Bill should be in the hands of Members before it was discussed.

COLONEL ALEXANDER said, that in order to give an opportunity for Members to see the Bill, he moved the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned,"—(*Colonel Alexander,*)—put, and agreed to.

Second Reading deferred till To-morrow.

#### INCUMBENTS OF BENEFICES LOANS EXTENSION BILL.—[*Lords.*.]—[BILL 213.]

(*Mr. Monk.*)

##### SECOND READING.

Order for Second Reading read.

MR. MONK, in moving that the Bill be now read a second time, said, that it was simply a Bill enabling the Governors of Queen Anne's Bounty to extend the time for the repayment of loans advanced to incumbents of benefices for one, two, or three years, in consequence of the agricultural depression throughout the country, which had affected the clergy as well as other classes of the community. The Bill had been passed through the House of Lords, and he hoped the second reading would be agreed to.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Monk.*)

MR. T. P. O'CONNOR did not think it was right at that time of night to allow the Bill to be read a second time. As he

understood from the hon. Member opposite, this Bill allowed the interference of the Government—

MR. MONK: No; it is simply to allow the Governors of Queen Anne's Bounty to postpone the period of repayment of sums lent by them to poor clergy.

MR. T. P. O'CONNOR said, he did not know what the character of Queen Anne's Bounty was; but he took it that it was, to some extent, a representative body. The principle which the hon. Gentleman wished to fix in this Bill was that a certain body, more or less a State body, should interfere between—or, at least, that the State should forego—well, at least, to give a respite for the payment of debts due to the Governors of Queen Anne's Bounty. If that was a private body, the object of the Bill was to interfere between a private body and its debtors. That was a principle, he was glad to find, which had received acceptance in "another place," because it was not a principle which usually commended itself to Legislators; but, all the same, he thought that 3 o'clock in the morning was rather too late to ask for the sanction to a proposal of such importance. The hon. Member had alluded to agricultural depression, and he hoped that House would always show the same keen appreciation of distress, because, whenever an Irish Member tried to bring before the House the distress suffered by a poorer body than the English clergy, the cheers were swelled by the hon. Member for Gloucester when the House refused to allow the State to interfere. As a protest, he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. T. P. O'Connor.*)

MR. ILLINGWORTH said, he hoped the hon. Member would not obstruct this Bill. A Bill of a similar character was before the House—namely, the Seeds Bill, the object of which was to give some extension of time to Irish tenants who were unable to meet their debts to the State. The Governors of Queen Anne's Bounty were emphatically a public body responsible to the State, and the object of the Bill was only a postponement of the repayment of sums lent to men who had been severely handled during the distress.

*Mr. Dick-Peddie*

Mr. WARTON hoped the Motion would not be pressed.

Mr. T. P. O'CONNOR said, his object having been sufficiently accomplished, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday*.

### MOTION.

#### SEED SUPPLY AND OTHER ACTS (IRELAND) AMENDMENT BILL.

##### LEAVE. FIRST READING.

Mr. W. E. FORSTER, in moving for leave to introduce a Bill to make provision for the payment by reduced instalments of loans under "The Seed Supply (Ireland) Act, 1880," and for other purposes, said, that a large sum of money had been advanced for the purchase of seed in Ireland; but it had been found that some of the Unions to whom the money had been advanced desired to postpone the repayment. The object of this Bill was to enable the Boards of Guardians, with the assent of the Local Government Board, to obtain a division of repayment over a period of two years of every sum due in one year. The effect would be that, while there were a certain number of Unions making their payments this year, and others, whose payments were postponed till next year, those who had to repay this year would have their payments divided into moieties, one this year and one next year, and those whose payments had been postponed till next year would repay in four years instead of two. The only other provision in the Bill was to remove a difficulty which had not been foreseen. Power was taken to grant money to some Boards of Guardians, while the provision for giving outdoor relief was in force. That provision had ceased, and grants of money could not be made unless this Bill was accepted. He hoped the Bill would receive the general agreement of the House.

Motion *agreed to*.

Bill to make provision for the payment by reduced instalments of Loans under "The Seed Supply (Ireland) Act, 1880;" and to amend and explain "The Relief of Distress (Ireland) Amendment Act, 1880," and "The Local Government Board (Ireland) Act, 1872," *ordered to be brought in by Mr. WILLIAM EDWARD*

FORSTER, Lord FREDERICK CAVENDISH, and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 217.]

House adjourned at Three o'clock.

### HOUSE OF LORDS,

Tuesday, 19th July, 1881.

#### MINUTES.]—PUBLIC BILLS—First Reading—

Metallic Mines (Gunpowder)\* (169); Turnpike Acts Continuance\* (170).

Second Reading—Solway Fisheries (Scotland)\* (144), Order *discharged*.

Committee—Supreme Court of Judicature (147-171).

Report—Lunacy Districts (Scotland)\* (152), Order *discharged*; Wild Birds Protection Act, 1880, Amendment\* (166); Burial Grounds (Scotland) Act (1855) Amendment\* (131).

Third Reading—Petroleum (Hawking)\* (139); Tramways Orders Confirmation (No. 2)\* (126), and *passed*.

#### SUPREME COURT OF JUDICATURE

BILL.—(No. 147.)

(The Lord Chancellor.)

##### COMMITTEE.

Order of the Day for the House to be put into Committee, read.

*Moved*, "That the House do now resolve itself into Committee."—(The Lord Chancellor.)

EARL CAIRNS said, there were three provisions as to which he, the other evening, when the measure was last before their Lordships, had raised objections. With regard to the first of those provisions, that which related to the selection of Puisne Judges to be Judges of the Appellate Court, his noble and learned Friend had told them he would not persevere with it this Session; and he (Earl Cairns) was therefore glad to find that his noble and learned Friend intended to move as an Amendment the omission of Clause 5, which provided that the Judges should annually select three of their number to sit in the Court of Appeal. The second provision to which he had taken exception was that which made future Masters of the Rolls not only Judges of the Appellate Court, but to take precedence of the other Judges of that Court. He believed that that provision was quite unnecessary, and that it would have a most injurious

effect on the constitution of the Appellate Court. No doubt, the Chiefs of the Common Pleas and the Exchequer were appointed direct from the Bar; but there were objections to that system. Under the Acts now in force the Appellate Judges were of equal rank, having taken office on that understanding, and sat according to seniority. He had heard that there were objections on the part of Appellate Judges to future Masters of the Rolls taking precedence. Indeed, one of them had stated that if a future Master of the Rolls were to be appointed under this Bill he would at once resign his office. He hoped, therefore, that his noble and learned Friend would not persevere with this part of the Bill. His third objection was to the 20th clause, which related to the patronage of the Courts. It was now proposed to vest it in three Judges—namely, the Lord Chief Justice, the Master of the Rolls, and the Senior Puisne Judge of the Queen's Bench Division. This proposition was worse than the clause as framed originally. He thought the patronage should be vested in an officer of State, and he hoped the proposed Amendment in this respect would not be persisted in. He never heard before of a proposal that a Senior Puisne Judge should have patronage which properly belonged to the head of a particular Court, or to the head of the general Court of Judicature. It was intended to place the patronage in a most inconvenient quarter without any reason whatever, and if the clause were passed, he might, perhaps, at a future stage of the Bill, feel it his duty to propose that it should be altered.

LORD DENMAN said, the only objection he had ever heard to the performance of their duties by the Lord Chief Justices of the Common Pleas and the Lord Chief Barons of the Exchequer was that some of their Lordships had been so long at the Bar that they became too much like advocates for one side or the other when on the Bench. All their duties were well done, and their patronage was fairly distributed. The Members of this House might recollect that about 80 Peers were descended from Dignitaries of the Law. The noble and learned Earl (Earl Cairns) had said that common sense was equal to law; but when that noble and learned Earl was a Lord Justice of Appeal, he agreed to the surrender of the Ulster Glebes with-

out the privity of the noble Earl (the Earl of Derby), the then Leader of the Opposition, and—in 1867—without the approval either of the then Premier, and against the speech of Mr. Disraeli, brought in his minority representation—which actions were not proofs of his common sense. He hoped that the Lord Chief Justice of England would have his full share of Common Law patronage, and would sooner see the Senior Puisne Judge able to choose for himself and his brother Judges clerks and officers than intrust the patronage to any single Equity or Common Law Judge.

THE LORD CHANCELLOR said, he proposed to omit from the Bill the clause which provided for what might be called the circulation of Judges from the Courts of First Instance into the Court of Appeal. He expressed no change of opinion on the subject, for he by no means agreed that the proposition in the Bill, and which would now be struck out, was not the best way of settling the question; but he could not deny the force of his noble and learned Friend's (Earl Cairns') remarks that the subject was one of great importance upon which considerable diversity of views might exist, and that it might, therefore, be proper to allow more time for its consideration than would be possible in the present Session. The present constitution of the Court of Appeal was not, as their Lordships were aware, the one which he preferred, or which he had suggested in 1873. He acquiesced, with very great reluctance, in the alterations afterwards introduced. He thought considerable inconvenience had resulted from those changes, because they had made the amount of judicial power available for the Appeal Court less than was desirable. This, however, could not be regarded as a final settlement of the question. The matter would now stand over for further legislation, as there had not been time to collect opinions respecting it; but it appeared to him that the present arrangement could not be maintained without the Appellate Court being strengthened. With respect to the position of the Master of the Rolls, he should be glad if he could obtain the concurrence of his noble and learned Friend, from whom, on all questions relating to the administration of justice he was always reluctant to differ, though on that question he did decidedly differ from him. The precedence given by the Bill to the Master of the Rolls over the

other members of the Court of Appeal made no change, for that precedence already existed. At present the Master of the Rolls took precedence of the other Judges of Appeal, except the Lord Chancellor and the Lord Chief Justice of England; and if the proposed arrangements should be dropped, the future Masters of the Rolls would do the like. The only change introduced was that the Master of the Rolls would be relieved of his present duties as a Judge of First Instance. His noble and learned Friend had said—what he (the Lord Chancellor) could not imagine to be the case—that there would be a feeling which he could not otherwise describe than as one of jealousy on the part of the other members of the Court of Appeal towards future Masters of the Rolls. He had certainly been informed of the opinion to which reference had been made by his noble and learned Friend—and to which he himself should not otherwise have thought it right to allude—as having been expressed by one very eminent member of that Court. But, fortunately for the present purpose, that was entirely immaterial to the operation of the Bill, for the learned Judge to whom he referred, who had been for many years a great ornament to the Bench, and for whom he entertained the highest respect, had intimated his fixed intention to retire from the Bench at the close of the present sittings. He had not himself heard of any similar feeling on the part of any of the other Judges. For his part, he could not understand a feeling of that sort, and he should be extremely sorry if it existed. Appointments had from time to time been made directly from the Bar to the Court of Appeal. His noble and learned Friend had been made Lord Justice with everybody's approbation from being Attorney General; and he had also, when Lord Chancellor, appointed to the Court of Appeal a distinguished member of the Bar who had recently been too early lost to his country. Under the old system, it was customary to appoint Solicitors and Attorneys General to the Mastership of the Rolls, the Chief Justiceship of the Common Pleas, and the Chief Barony of the Exchequer, and not unfrequently to the Lord Chancellorship and the Chief Justiceship of England, and no objection was taken to it; and in future the Master of the Rolls might often be taken from the Judges of the

Court of Appeal. In one respect, the new arrangement would be more advantageous to the Profession than the old one. Hitherto the Master of the Rolls had been usually selected from the Equity side of Westminster Hall; but if the arrangement now proposed was agreed to, that appointment would be opened more than it had been in the past to both classes of lawyers, so long as the Judges in the Court of Appeal were equally balanced. The objection of his noble and learned Friend pointed practically to the abolition of the office of the Master of the Rolls at the next vacancy; because, if the office was not to be maintained with its present advantages, there could be no reason for retaining it at all. He (the Lord Chancellor) would be the last man to advocate the retention of mere professional prizes, when their retention would not conduce to the public interest; and, actuated by that feeling, he had thought it desirable that the offices of Chief Justice of the Common Pleas and Chief Baron of the Exchequer should cease to exist. But with regard to the ancient office of Master of the Rolls, he held that it ought to be preserved in its integrity and with all its advantages, unless it could be shown that the public would gain something by its abolition. In his opinion, the public would gain nothing by such a step. The Master of the Rolls was not only a Judge, but also the principal head of the Record Office. It was desirable that he should continue to fulfil the duties of the latter post, because, in his (the Lord Chancellor's) opinion, it had been of great advantage to the country; and the records were, to a great extent, connected with legal and judicial matters. If the duties of the Master of the Rolls in connection with the records were transferred to some other person there would almost certainly be an increase of cost, for he would probably have to be paid more than £1,000 a-year; and the absence of official relations between the Record Office and the Judicature would be likely to be attended with inconvenience. Another objection of his noble and learned Friend was levelled at the arrangements for the regulation of judicial patronage. Under an Act passed in 1879, when his noble and learned Friend was in Office, this patronage was confided to the Master of the Rolls for the time being, to the Lord Chief Justice for the time being, and to



the two abolished Chiefs. He, therefore, thought the proposed arrangement would be fair, considering that the greater portion of it would be connected with the business of the Queen's Bench Division. The patronage to which he referred affected the offices of 22 Masters, who would be reduced to 18, as vacancies should occur, and of a number of clerks of whom hereafter there would be about 80, only one or two vacancies having happened among them since the Act of 1879 was passed; from which it would be seen that the matter was not very large. It appeared to him to be right that the Master of the Rolls should retain his share of that patronage, as he had previously the exclusive appointment of certain clerks in the Record and Writ Clerks' and some other Chancery offices, which he had now given up. He had at first proposed that the Lord Chancellor should take the place of the two abolished Chiefships in this matter of patronage; but, seeing that a considerable preponderance of this patronage was connected with the Common Law side of the High Court, he now thought it would be better to substitute in lieu of the Lord Chancellor the Senior Judge for the time being of the Queen's Bench Division. For those reasons, he hoped the arrangements proposed would be agreed to.

Motion *agreed to*; House in Committee accordingly.

Clause 1 *agreed to*.

Clause 2 (Master of the Rolls to be Judge of Appeal only).

On the Motion of The LORD CHANCELLOR, the following Amendment made:—In page 2, line 4, leave out ("if he were a judge"), and insert—

("He would have been under the last-mentioned Act, or any Acts or Act amending the same, if he had continued to be a judge of the Chancery Division.")

Clause, as amended, *agreed to*.

Clauses 3 and 4 severally *agreed to*.

Clause 5 (Three puisne judges to sit in Court of Appeal).

LORD DENMAN moved, as an Amendment, to leave out the clause, and insert the following clause:—

"The titles only and divisions of the Lord Chief Justice of the Common Pleas and of Lord Chief Baron of the Exchequer and not their 'offices' having been abolished by the Order of Council laid before Parliament on sixth January

one thousand eight hundred and eighty-one, those offices being reduced to an equality with the judges not ex officio members of Her Majesty's Court of Appeal, it shall be lawful for Her Majesty to appoint a 'president' of each sub-division of the new Court of Queen's Bench, in banc, as has already, by seniority only, been found needful, to supply the place of the chiefs and their divisions (nominally but not really abolished), such divisions of offices and courts not to exceed two for sittings in banc."

THE LORD CHANCELLOR said, the Amendment proposed to restore the Chiefships of Divisions which had been abolished.

Amendment *negatived*.

On the Motion of The LORD CHANCELLOR, Clause *omitted*.

Clauses 6 to 12, inclusive, severally *agreed to*.

THE LORD CHANCELLOR moved, after Clause 12, to insert as a new clause:—

(In cases of urgency, &c., one judge may officiate for another.)

"In any case of urgency arising during the absence from illness or any other cause or during any vacancy in the office of any judge of the High Court of Justice to whom any cause or matter may have been according to the course of the said court or of any division thereof specially assigned, it shall be lawful for any other judge of the said court, who may consent so to do, to hear and dispose of any application for an injunction or other interlocutory order for or on behalf of the judge so absent, or in the place of the judge whose office may have so become vacant."

He said the object of the clause was to prevent inconvenience.

Motion *agreed to*; Clause *ordered to stand part of the Bill*.

Clause 13 (Selection of judges for trial of election petitions).

On the Motion of The LORD CHANCELLOR, the following Amendment made:—In page 5, line 31, to insert as a new paragraph:—

"If at the end of the year for which any such judge shall have been appointed, whether before or after the passing of this Act, any trial or other matter shall be pending before him, either alone or together with any other judge, and not concluded, or if, after the conclusion of any such trial or of the hearing of any such matter, judgment shall not have been given thereon, it shall be lawful for every such judge to proceed with and to conclude such pending trial or other matter, and to give judgment thereon, after the end of such year, in the same manner in all respects as if the year for which he was appointed had not expired."

Clause, as amended, *agreed to*.

Clause 14 *agreed to*.

*The Lord Chancellor*

Clause 15 (Extension of Winter Assizes Act of 1876 to all assizes).

THE EARL OF POWIS asked whether it was proposed to hold extra Assizes by an Order in Council, and objected to the abolition of the Assizes in some counties in Wales, the inhabitants of which considered that a great slight would be done to them if their ancient privilege of holding separate Assizes were done away with. If there were any reason for economizing judicial strength a single Judge might be sent to some towns. He regarded the clause as aimed at Wales in the interests of the Judges and barristers, which were in direct conflict with those of the public. The noble Earl concluded by moving the omission of the clause.

*Moved*, "To omit the Clause."—(*The Earl of Powis.*)

THE LORD CHANCELLOR said, he could assure the noble Earl that it was no part of the object of the clause to save trouble to the Judges or the Bar, although he would not himself desire to impose unnecessary trouble upon them. The object of the clause was to promote the conduct of public business. All that was asked was that the arrangements of Assizes might, if necessary, be modified by an Order in Council according to the requirements of public business, so as to give an optional power to the Government to hold Assizes only in places where they were required. Of late years, the number of Assizes had been increased, and the power would not be exercised unless the convenience of the public business were such as to require it. Experience had shown that such a power might be advantageously exercised in other parts of the country than Wales. It was frequently found that the Judges had to go to places at which there was practically no business to be done; while, at other places, there was more than could be got through in the time allowed. The consequence was that, besides incurring considerable expense, there was a great waste of public time, which the clause would do much to obviate.

THE MARQUESS OF SALISBURY thought the power which was being asked for was too wide. He would prefer to see the arrangement that might be thought desirable laid before Parliament, rather than that they should be asked to give the Government a large

and unrestricted power without knowing how it would operate. The difficulty in dealing with the matter was owing to the difference of views taken by the Central Government and the localities. The Central Government desired nothing so much as facility; while the localities were anxious to preserve their local rights and traditions. He hoped that if the changes proposed were carried out ample notice would be given to the localities.

LORD STANLEY OF ALDERLEY supported the Amendment moved by the noble Earl (the Earl of Powis).

THE EARL OF POWIS admitted that if full notice were given to the localities a great portion of his objections would be met.

THE LORD CHANCELLOR said, that an Order in Council would be made when a change was proposed, and such Order would be laid before both Houses of Parliament within a month from the date of such Order; or, if Parliament were not then sitting, within a month after the meeting of Parliament.

On question, *resolved in the negative.*

Clause *agreed to.*

On the Motion of The LORD CHANCELLOR, the following new clause, to follow Clause 15, *agreed to*, and ordered to stand part of the Bill:—

(Quorum in Court of Criminal Appeal).

"The jurisdiction and authority in relation to questions of law arising in criminal trials, which, under section forty-seven of the Supreme Court of Judicature Act, 1873, is now vested in the judges of the High Court of Justice, may be exercised by any five or more of such judges, notwithstanding the abolition of the offices of Lord Chief Justice of the Common Pleas and Lord Chief Justice of the Exchequer; provided that the Lord Chief Justice of England shall always be one of such judges, unless, by writing under his hand or by the certificate in writing of his medical attendant, it shall appear that he is prevented, by illness or otherwise, from being present at any court duly appointed to be held for the purpose aforesaid, in which case the presence of the said Lord Chief Justice at such court shall not be necessary."

Clauses 16 to 19, inclusive, severally *agreed to.*

Clause 20 (Patronage under Officers Act, 1879).

On the Motion of The LORD CHANCELLOR, the following Amendments

made:—In page 7, line 14, leave out ("the Lord Chancellor"); line 15, leave out ("and"), and after ("Rolls") insert—

("And the senior puisne judge for the time being of the Queen's Bench Division of the High Court of Justice");

Line 17, leave out from ("determine") to end of clause.

Clause, as amended, *agreed to*.

Clause 21 (Extension of section 14 of Courts of Justice (Salaries and Funds) Act, 1869).

On the Motion of The LORD CHANCELLOR, the following Amendment made:—In page 7, line 30, after ("judicature") insert ("and all officers in Lunacy.")

Clause, as amended, *agreed to*.

Clause 22 *agreed to*.

Clause 23 (Appointment of District Registrars).

On the Motion of The LORD CHANCELLOR, the following Amendments made:—In page 8, line 15, leave out ("as to the manner of appointing,") and insert ("for the appointment of"); line 16, after ("justice") insert—

("Other than persons holding or having held the offices in section sixty of the Supreme Court of Judicature Act, 1873, and section 13 of the Supreme Court of Judicature Act, 1875, respectively mentioned");

After ("that") in line 16 leave out all the words down to and including ("by") in line 17, and insert—

("If on any vacancy in the office of district registrar under the said Acts, or upon the appointment by any Order in Council to be hereafter made of any new district within which there shall be a district registrar (unless by such Order in Council it shall be otherwise directed), it shall appear to the Lord Chancellor, with the concurrence of the Treasury, that from the nature and amount of the business to be transacted by such district registrar it is expedient that such office should be conferred upon a person not so qualified as aforesaid, it shall be lawful for");

Line 18, after ("Treasury") insert—

("To appoint to such office any barrister-at-law of not less than five years standing or any solicitor of the Supreme Court of Judicature of not less than five years standing.")

Clause, as amended, *agreed to*.

Clauses 24 to 26, inclusive, severally *agreed to*.

Clause 27 (Commissioners for acknowledgments of Married Women).

On the Motion of The LORD CHANCELLOR, the following Amendment made:—In page 9, line 37, after ("office") insert ("or shall be hereafter made by the Lord Chief Justice of England for the time being.")

Clause, as amended, *agreed to*.

Remaining clause *agreed to*.

The Report of the Amendments to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 171.)

#### SUMMARY JURISDICTION ACT—INDUSTRIAL SCHOOLS.

##### QUESTION. OBSERVATIONS.

LORD NORTON, in asking Her Majesty's Government, Whether anything is being done for the amendment of the law, promised in the early part of the Session, by which the 35th section of the Summary Jurisdiction Act may not stand in the way of a parent of a child sent to an industrial school being made to pay for it maintenance? said, he would remind them that in answer to a Question asked in "another place" some months ago, it had been stated that the matter would be considered, and that a short Act would, if possible, be passed in the course of the present Session. Under the 35th section of the Summary Jurisdiction Act, the contribution of a parent towards the maintenance of a child in an industrial school became a civil debt, and was not, therefore, one on respect of which a warrant of apprehension could be issued, unless the parent had means to pay and refused to pay. By the indirect effect of this law parents avoided, without risk of punishment, the responsibility of maintaining, even in part, children whom their neglect had got sent to industrial schools, and threw the charge unjustly, and most mischievously, on the ratepayer.

THE EARL OF DALHOUSIE, in reply, said, that the subject had been under the consideration of the Secretary of State for the Home Department; but, unfortunately, the chances of introducing a measure this Session were growing less and less, and he was unable to hold out any hope that the question would be dealt with before next year.

## RAILWAYS (JOINT STATIONS).

## RESOLUTION.

THE EARL OF BELMORE, in rising to move the Resolutions of which he had given Notice, said, that, in the enlargement of railway stations which were used by more than one Company, it was often difficult to apportion the expenses between the several parties. He had communicated with the manager of one of the largest Companies, and had asked him to consult his friends and colleagues on the subject, with the result that a proposal very nearly the same as that contained in his 1st Resolution had been endorsed by the solicitors of the Great Western Railway Company, the London and North-Western, and the Midland Railway Companies. The solicitors to the Railway Association had also signified their approval. He understood that his Resolution would be opposed by the Board of Trade; but he hoped that their objections would not be based on the ground that it would discourage the joint use of stations, as it would always be cheaper for a new Company to share the use of an existing station than to make a separate one for itself. He had originally proposed to make a Standing Order of the Resolution; but, as he understood that the Chairman of Committees objected, he would not press that part of the Motion.

*Moved* to resolve, "That whenever powers are sought to be taken in any Private Bill to enable the promoters of any new railway to run into and use compulsorily the station of any existing railway company, a clause shall be inserted in the Bill to provide that if in consequence of such user it is necessary to enlarge such station, or in case at any time thereafter the traffic of such railway station shall, in the opinion of the owning company, have outgrown the accommodation necessary for the safety and convenient use of such station by the public, and the said owning company shall have in consequence enlarged the said station, they shall be entitled to be paid by the other company so using their station an amount equal to such proportion of the expense of the enlargement, or at the option of the owning company such an annual sum as shall be considered right by an arbitrator to be named in the Bill, or, failing such arbitrator, by one to be from time to time appointed by the Board of Trade, and such payment shall be taken into consideration in the settlement of the terms of user of the said station, and if the using company shall at any time make default in payment of any sum due from them in respect of their use of the station, or any enlargement thereof, their right to use such station shall,

during the period of such default, cease and determine."—(*The Earl of Belmore.*)

LORD SUDELEY hoped that the Motion would not be pressed, as he could not say that it would be for the interest of the public to pass such a Resolution as this. The object of a Standing Order was to carry out some arrangement in the interest of the public generally; but this Resolution merely desired to carry out and lay down rules between the Railway Companies *inter se*. The real objection to the Resolution, therefore, was that it was not in the nature of a Standing Order. It had never been thought fit to adopt a Standing Order of the kind, and the Board of Trade strongly objected to it. Besides, if it were to be of any avail, a Standing Order of the sort must be adopted by both Houses of Parliament; whereas the fact was that the officials of the House of Commons, who had charge of private legislation, had the greatest objection to the Resolution, and maintained that it ought not to be made a Standing Order.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he quite agreed with what had just fallen from the noble Lord (Lord Sudeley). It would be most inconvenient and objectionable to agree to the Resolution as a Standing Order. At the same time, there could be no doubt that in some cases a grievance existed on the point, which might have been provided against if the Company, whose station had been invaded, had taken care to have reasonable protection given to them in regard to future expenditure in the Act sanctioning the junction, and Companies should attend to this hereafter.

THE LORD CHANCELLOR also thought that the Resolution was objectionable, because it went beyond anything that could be justified on the ground of reason or justice.

Motion (by leave of the House) *withdrawn*.

WAYS AND MEANS—INLAND REVENUE  
—FORGED STAMPS (IRELAND).

## QUESTION. OBSERVATIONS.

THE EARL OF LIMERICK, in rising to ask, Whether, it having been discovered that forged stamps to the number of many thousands have been circulated in Ireland, Her Majesty's Government will take immediate steps to protect the

innocent persons who may otherwise suffer from the illegality of the documents stamped with such stamps? said: Your Lordships will probably have seen the statement in the newspapers of the extensive forgeries of stamps attached to legal documents which have been discovered in Ireland. I do not propose to go into the details of that discovery, or make it a question as to whether there was proper supervision or not, as the matter will be considered in a Court of Law. I only want to draw the attention of the Government to the extreme hardship, if innocent persons are allowed to suffer by these forgeries. I believe it has been stated on oath that in the Common Law Division, in one year alone, stamps to the value of £6,400 have been discovered to be forgeries, and these forgeries have been running on for a term of years. Not being a lawyer, I presume I am right in supposing that the documents to which these forged stamps are attached are worth precisely the same value as documents that are unstamped altogether. The people who possess these documents are, however, under the impression that the present state of the law makes them liable to a penalty of £10, and they do not know whether there is a power of remitting that penalty or not. The subject seems of some importance, and I know that in Ireland, especially there is much interest attaching to it, and therefore I thought it right to put this Question.

LORD CARLINGFORD, in reply, said, that he had caused inquiries to be made into the matter, and it seemed pretty certain that this was a false alarm. Although the inquiry into the forgery of the stamps was not yet completed, it was believed that the forged stamps were merely those used in payment of Court fees, in lieu of cash, and were not of a character to affect the legality of any document.

#### WATER SUPPLY (METROPOLIS).

##### QUESTION. OBSERVATIONS.

VISCOUNT POWERSCOURT (for Lord DORCHESTER) rose to ask Her Majesty's Government, Whether it is true that since Saturday a considerable portion of this Metropolis has been deprived of the high service water supplied by private companies reaping large and yearly in-

*The Earl of Limerick*

creasing profits from the inhabitants; also, whether any, and, if so, what means of redress are afforded to payers of water rates suffering under this privation? The noble Viscount said that, during the last few days, the Western and Northern districts of London had suffered much from deficient water supply. He had made inquiries at the offices of the Water Companies, but could not get any satisfactory explanations from them. He then went to the various Vestry halls, and found that those Vestries had communicated with the Water Companies, and had also failed to receive satisfactory replies. In support of his statement, he had received a letter from the Vestry clerk of St. George's Union on the subject, which he would read to their Lordships.

"St. George's, Hanover Square, Board Room, Mount Street, W., July 19, 1881.

"My Lord,—I beg to forward herewith, by direction of the Nuisances Removal Committee of this parish, copy of a letter sent by the committee to the Grand Junction Waterworks Company to-day, with regard to the failure of the water in the in-wards of this parish. I also forward a copy of a letter on the subject from the Medical Officer of Health, read to the committee to-day. I may add that numerous complaints have been made at this office of want of water, and that I first communicated the fact to the Water Company on Saturday last.

"The in-wards of the parish are the portion lying between and including Piccadilly and Oxford Street.

"I have the honour to be, my Lord, your Lordship's most obedient servant,

"J. H. SMITH, Vestry Clerk, per A. C. H.

"The Lord Powerscourt."

The Vestry clerk's letter to the Water Company was as follows:—

"St. George's, Hanover Square, Board Room, Mount Street, July 19, 1881.

"Dear Sir,—I am directed by the Nuisances Removal Committee of this Parish to inform you that the committee have to-day heard with much alarm that there is a failure in the water supply in the district supplied by your Company.

"In such hot weather a failure in the water supply is likely to lead to a serious outbreak of disease. Many of the water-closets are without water, and complaints of nuisance in consequence are continually being made to the Inspector of Nuisances.

"The Committee, in calling attention to this matter, earnestly hope your Company will remedy the evils complained of without delay.

"I may add that the street watering was neglected all day yesterday, as the water could only be drawn at one stand-post throughout the whole of the in-wards of the parish.

"I am, dear Sir, yours faithfully,

"J. H. SMITH, Vestry Clerk.

"E. O. COE, Esq., Secretary of the Grand Junction Water Company."

He would also read the letter of the Medical Officer of Health.

"St. George's, Hanover Square, Sanitary Department, 10, Bolton Row, Mayfair,

July 19, 1881.

"Dear Mr. Smith,—I have written twice to the Grand Junction Company about the deficiency of water, and been to the office once; they say they are pumping all they can, and that so much is used in the streets, that they cannot get pressure enough up to carry it to the top of the houses.

"I think that a strong representation to them should be made by the Committee, as water is most needed now, and it seems to me that the Company are failing in their undertaking to the public, who are not responsible for the weather, and who have a right to insist on being supplied as long as they pay their rates.

"I am, dear Mr. Smith, yours very sincerely,

"W. H. CORFIELD, M.A., M.D. (Oxon.)"

An eminent legal authority had been consulted on the subject; but it would appear there was, practically, no redress. By an Act of 1847 penalties might be inflicted by the Board of Trade, and it might be desirable to make complaint in that quarter. No doubt, the subject was a matter which opened up the wide question of the general water supply for the City of London, and he thought that was a question which Parliament would have to take up very shortly. He did not see why London should be in a worse position with respect to its water supply than Dublin, Manchester, and other large towns, all of which had a constant and not an intermittent supply. Liverpool was making a great effort, and he did not think London should be behind. The noble Viscount concluded by asking the Question of which Notice had been given.

**LORD CARRINGTON:** My Lords, since Saturday complaints have been received by the Local Government Board that portions of the district supplied by the Grand Junction Waterworks Company have been partially deprived of high service water, and yesterday the Board directed their Water Examiner, Colonel Bolton, to inquire into the matter. The shorter supply seems to have arisen from the heavy demand on the Company's low service, owing to the increased demand for road watering and private use, more especially for garden purposes. Moreover, this has been aggravated by the accidental bursting of a 30-inch main at Shepherd's Bush at 9 a.m. yesterday morning. It was, however, repaired, and the main put in

working order by 12 o'clock last night, and the Water Examiner reports, on the information of the Company's engineer, that it would take all to-day to fill the exhausted low service and to reach the high ones. It is believed that in most cases where a Metropolitan Company fails to afford a proper supply of water, unless prevented by unavoidable cause or accident, a ratepayer might proceed, under the Waterworks Clauses Act, to enforce a penalty against the Company. The Local Government Board, however, can only take cognizance of any complaints of a short supply for domestic use upon a memorial signed by not less than 20 inhabitant householders paying rents for and supplied with water by the Company. If, after inquiry, it appears that the complaint is well founded, the Board are required to give notice to the Company, who, on failure to remove the cause of the complaint, render themselves liable to a penalty of £200, and a further penalty of £100 for every month while they remain in default.

#### METALLIFEROUS MINES — INSPECTORS' REPORTS, 1880.—QUESTION.

**THE EARL OF MOUNT EDGCOMBE** asked, Whether the attention of the Home Office has been directed to that portion of the Report of the Inspector of Metalliferous Mines for Devon and Cornwall in which he says—

"On looking down the list of fines, one cannot help being struck by the fact that most of them are absurdly small. It almost seems that some magistrates think more of the life of a pheasant than they do that of a man, for I believe that if a similar number of convictions for poaching cases were taken at random, the average fine would be greater; the fact is, a very large number of the magistrates are interested directly or indirectly in mining. Many of them are owners of mining property, and have been troubled by repeated notices to fence dangerous abandoned shafts, and have thereby been put to considerable expense, some indeed have been prosecuted for neglecting to attend to these notices, others are shareholders in mines in the district, and, as such, are not disposed to look favourably upon Government restrictions which they think may interfere with their profits. As a natural consequence fines have on the whole been light, and the inspector's labours have been increased considerably; if the offences had been punished with greater severity, mine agents would have attended to the provisions of the Act with much more diligence. I am convinced that this mistaken leniency on the part of the magistrates leads to a delay in carrying out all the provisions of the Act, and thereby tends to keep up the death-rate from accidents."

and whether the Department will call upon the Inspector for a categorical statement of the circumstances which have led him to make this most serious charge against the magistrates of Cornwall?

THE EARL OF DALHOUSIE, in reply, said, that the attention of the Government had already been called to the matter from more than one quarter, and the Inspector of Mines had been requested to make a further Report on the matter.

House adjourned at Seven o'clock,  
till To-morrow, Eleven o'clock.

## HOUSE OF COMMONS,

*Tuesday, 19th July, 1881.*

The House met at Two of the clock.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [July 18] reported.  
PUBLIC BILLS—Ordered—First Reading—Bills of Exchange \* [218].  
Second Reading—Customs (Officers) \* [210].  
Select Committee—Poor Relief and Audit of Accounts (Scotland) [182], Sir Edward Colebrooke and Mr. Arthur Balfour added.  
Committee—Land Law (Ireland) [135]—*n.r.*  
Third Reading—Reformatory Institutions (Ireland) \* [190], and passed.  
Withdrawn—Teachers' Registration \* [42].

## QUESTIONS.

### ARMY—AUXILIARY FORCES—VOLUNTEER OFFICERS—OPTIONAL EXAMINATION IN MODERN TACTICS.

MR. SUMMERS asked the Secretary of State for War, Whether he will consider the advisability of establishing for the benefit of Volunteer officers an optional examination in the elements of modern tactics?

MR. CHILDERS: Sir, in reply to my hon. Friend, I can only now say that in the course of the ensuing autumn and winter, I propose to take up a good many questions connected with the Volunteers, and that I will then consider his suggestion; but I fear that there will be considerable difficulties in carrying it out.

*The Earl of Mount Edgumbe*

### HIGHWAY RATES—ASSESSMENT AND POWER OF COMPOUNDING.

MR. HICKS asked the President of the Local Government Board, Whether it is a fact that the Local Government Board has given an opinion to the effect that the 13th and 14th Vic. c. 99, by which owners of small tenements have been liable for payment of Highway Rates levied on their tenants, has been repealed by the 32nd and 33rd Vic. c. 41, s. 6; and, if this is so, whether the Government will bring in a short Bill to place the owners of small tenements in the same position as regards Highway Rates as they now are as regards Poor Rates?

MR. DODSON: Sir, it is not a fact that the Local Government Board have advised that the 13 & 14 Vic. c. 99, by which owners of small tenements could be made liable or could compound for the rates assessed on their tenants, has been repealed by the 32 & 33 Vic. c. 41, s. 6, as that section only repeals the latter Act so far as regards the poor rate. The Board have, however, advised that the Act 13 & 14 Vic. c. 99, has, as regards the highway rate, been repealed by the Statute Law Revision Act, 1875 (38 & 39 Vic. c. 66). There can be no doubt that it is desirable that highway rates should, as regards the assessing of owners and the power to compound, be placed on the same footing as poor rates; but I am afraid I could not undertake to introduce a Bill for the purpose during the present Session. At the same time, I am considering the expediency of amending the law relating to the making and collection of rates with a view to its simplification, and hope to be able to deal with the matter next year.

### THE MAGISTRACY (IRELAND)—MR. CLIFFORD LLOYD, R.M.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that Mr. Clifford Lloyd ordered four respectable young ladies to be summoned and brought before the Kilmallock Petty Sessions on the 8th instant, for simply standing on the public street in that town; and, if it is a fact that on several occasions during the last four weeks, when four or five respectable farmers and shopkeepers happened to be conversing together, that he (Mr. Lloyd)

had sent policemen to take down their names; and, if so, how long will this official be allowed to act in this manner? The hon. Member also asked, If it is true that in the case of the old woman Colman (sent to prison by Mr. Clifford Lloyd) that bail was offered at the time and refused by Mr. Clifford Lloyd on the ground that the parties were Land Leaguers; whether, on further inquiry, he has ascertained that this woman was sent to Limerick Prison and detained there for a fortnight, and not for one night; and, whether Mr. Lloyd has afterwards accepted the same bails for this woman which he refused a fortnight before?

MR. W. E. FORSTER: Sir, as regards the first Question, it is not a fact that Mr. Clifford Lloyd ordered four young ladies to be summoned for simply standing in the public street at Kilmallock. Four persons were summoned on the 8th instant for obstructing the public thoroughfare, under the following circumstances:—A police constable made a complaint that a number of women completely blocked up the thoroughfare, and rendered it necessary for the passengers to go off the footway into the road. Mr. Lloyd at first refused to grant summonses; but on the constable further complaining that although all the other young women, on being told to go off the footway, did so, these four refused to do so, and that they used insulting language, Mr. Lloyd granted a summons against them. On hearing the case, however, it did not appear to Mr. Lloyd to be one in which any punishment was called for, and the justices present concurring, the case was dismissed. There is absolutely no foundation for the allegation that on several occasions within the last four weeks four or five respectable farmers and shopkeepers happened to be conversing together, when Mr. Lloyd sent a policeman to disperse them and take down their names. Up to quite lately roughs used to collect at the corners, and hoot and insult and stone the police whenever opportunity offered. The police had distinct orders to prevent such persons assembling, and equally distinct orders never to interfere with respectable people standing about the streets. As to the second Question, I find in the case of Mrs. Colman that it is not a fact that bail was refused because the parties

offering it were Land Leaguers. The fact was, the bailsmen originally offered did not qualify as such. I find that this woman was detained in prison from the 28th of June till the 8th of July, when she was released on security being found which was approved by the police. I am reported to have stated, and probably I did state, that she was only in prison for a night. That is entirely a mistake of my own, for which Mr. Lloyd is in no way responsible. I regret it; but I find, on looking over the Papers, that I misread them, and it was entirely my mistake. It is not the fact that the same bailsmen were accepted as had been previously refused. Having answered these Questions about Mr. Lloyd, I must say one word about that gentleman. These Questions have frequently appeared in the public newspapers in a form which excludes them, unless modified, from appearing on the Journals of the House. They are disseminated widely in the district over which Mr. Lloyd has charge, and convey a wrong impression of his action. I must say that Mr. Lloyd has had a most anxious and responsible position, and it is due to him for me to state my firm belief that, by his energy and his fearless and discreet discharge of his duties, he had changed the condition of the district to which he was sent, and has restored peace and order where, a short time ago, violence and intimidation ruled.

MR. O'SULLIVAN: I beg to ask the right hon. Gentleman, Whether it is not the fact that, on the hearing of the case against the four ladies, it was proved distinctly by a policeman that Mr. Lloyd had ordered him to issue the summons; and further, whether he did not refuse to take the bail of a farmer named Thomas O'Donnell, who pays a rent of £60 a-year, and also that of an owner of property in Kilmallock, James Walter?

MR. W. E. FORSTER: As regards the second Question, the hon. Member must give me Notice. As to the first, I distinctly stated that Mr. Lloyd told the policeman on the information to issue a summons.

MR. CALLAN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that the late Member for Newry, Mr. William Whitworth, who is a magistrate for the borough of Drogheda, and his brother



who is now the Representative of that ancient borough, have not publicly and privately intimated to the right hon. Gentleman that they consider that the appointment of Mr. Clifford Lloyd to any Southern district would be that of a firebrand, and calculated to lead to a breach of the peace?

MR. W. E. FORSTER: I have no information whatever from Mr. Whitworth, a gentleman not in this House.

MR. CALLAN: Has the right hon. Gentleman received any intimation?—*[Loud cries of "Order!"]*

MR. SPEAKER: The hon. Member has put his Question and has received an answer.

MR. CALLAN: Pardon me, Sir; not to the second part of the Question—namely, whether the right hon. Gentleman has received any information from the present Member for the borough of Drogheda.

MR. W. E. FORSTER: I certainly have received no official information. *["Oh, oh!"]* Pray, one moment. I cannot remember that I have received any information whatever; but neither the hon. Gentleman nor any other hon. Gentleman has a right to ask me about private information.

MR. CALLAN: I was not asking about any private information. I was asking in reference to information which was perfectly public, and which was well known to the right hon. Gentleman not to be private.

MR. O'SULLIVAN: On Thursday next, I will ask the Chief Secretary to the Lord Lieutenant of Ireland, If it is not the fact that Mr. Clifford Lloyd refused four substantial bails in the case of Mrs. Colman?

MR. HEALY asked, whether Mr. Clifford Lloyd was the same man who, on the testimony of a Roman Catholic priest, said, on the 1st of January, to that priest, when dispersing a meeting in Drogheda—"If you don't be off at once I will have you shot down?" He (Mr. Healy) was in Drogheda at the time, and heard Mr. Lloyd use that expression.

*[No reply.]*

#### CRIMINAL LAW—INADEQUATE SENTENCES.

MR. H. H. FOWLER asked the Secretary of State for the Home Department, Whether his attention has been

*Mr. Callan*

called to the case of a man named Lowe, who was tried at the Stafford Assizes for brutally assaulting and stabbing and then robbing a lady walking in a field in the neighbourhood of her residence, and to the sentence of twelve months' imprisonment passed on him for that crime; and, whether, having regard to the severe punishment inflicted in respect of offences affecting property and the light punishment which follows in cases of aggravated personal injury, he will consider the necessity of legislation in the next Session for the better protection of the lives and persons of Her Majesty's subjects?

SIR WILLIAM HARCOURT, in reply, said, the question of his hon. Friend seemed to point to the opinion that the sentence passed by the Judge in this case was not adequate to the offence. His (Sir William Harcourt's) answer to that was, that this was a matter over which he had no control or jurisdiction. The Constitution of that country very wisely placed the administration of the Criminal Law in the hands of the judicial authorities. It was no part of his business or his duty to criticize the sentences of the Judges; and he had no power to alter them, if he thought them inadequate. In advising the Crown as to the Prerogative of mercy, the Secretary of State in consultation with the Judges, did sometimes, in rare cases, re-consider sentences; but as to the question of sentences being inadequate, the Secretary of State had no power to interfere with them, and, having no power, he ought not to pronounce any opinion upon a matter over which he had no authority. With regard to legislative measures to meet the evil at which his hon. Friend pointed, the Legislature had fixed a maximum; and, within that maximum, what punishments were to be inflicted must always depend on the discretion of the Judge. He was not aware that the Legislature had fixed upon maximum punishments which were too low, and it rested with the Judge how far, and to what extent, he would carry the punishment. The Legislature could not fix the absolute punishment to apply in all cases. Therefore, he thought his hon. Friend would see that was not a matter in which he (Sir William Harcourt) could properly interfere without trenching on functions on which he ought not to attempt to trench.

MR. H. H. FOWLER asked, whether the right hon. and learned Gentleman had not written to the Judge on the subject of the inadequacy of the punishment awarded?

SIR WILLIAM HARCOURT said, no; certainly not. It would be highly improper for him to do so, in a matter in which he had no jurisdiction. How could he write to a Judge to say—"I think you have passed too light a sentence in this case;" because the Judge would very properly reply—"That is no affair of yours." His hon. Friend would see that he could not write to Judges, remonstrating with them for passing sentences, either for being too heavy or too light; because, by doing so, he would be assuming an authority which the Constitution of the country had not given him.

MR. H. H. FOWLER asked if it was not usual to give to the House the Judge's explanation in cases of the kind? He should like also to know whether the right hon. and learned Gentleman would consent to give him, as an unopposed Return, copies of the depositions of the witnesses in this case? [*Cries of "Order!"*] That was a very serious matter, and he believed it was the first occasion in which the sentence of a Judge had been called in question on which the Secretary of State for the Home Department had not stated to the House the Judge's explanation of his reasons. [*Renewed cries of "Order!"*] In order to enable himself to make the remarks he thought necessary, he should conclude with a Motion. In this case the young lady had been most brutally treated. She had been recently married, and in addition to being brutally outraged, she was stabbed and otherwise seriously injured. He considered that a sentence of 12 months' imprisonment for so serious an offence was absurd; and if the House was to be the grand inquest of the nation, they had a right to make some inquiry as to what he called a grave miscarriage of justice. Although the right hon. and learned Gentleman might have no power in this matter, he had some influence, and he (Mr. Fowler) appealed to him to use that influence. He begged to move the adjournment of the House.

MR. WIGGIN, in seconding the Motion, said, the young lady, who had been recently married, was the wife of a pro-

fessional gentleman in Birmingham, and in broad daylight was assaulted by the man who had been so inadequately punished. She was seized by the throat, knocked down, and violently assaulted, and when she resisted, a knife was used, and after being seriously stabbed in two places, she was robbed of £4 or £5. The feeling in the neighbourhood was one of expectation that the man would be sent to penal servitude, accompanied by 20 or 25 lashes with the cat; but he only got 12 months' imprisonment. He was told that the prisoner pleaded guilty, and called no witnesses, and the Judge, in looking over the depositions, said that the old lady appeared to have acted with courage. The lady had certainly acted with courage, but, instead of being old, she was only 24 years of age.

Motion made, and Question proposed, "That this House do now adjourn."—  
(*Mr. Henry H. Fowler.*)

MR. MACFARLANE said, he had a Notice on the Paper, calling attention to a number of serious brutal outrages which were a scandal to the administration of our justice; but he had not had an opportunity of bringing this matter before the House. He thought the case brought forward by the hon. Member (Mr. H. H. Fowler) was a very trifling one compared with some he could relate; but he wished to express his thanks to the hon. Member for having brought the matter to the notice of the House, for it was a scandal to the administration of justice.

SIR WILLIAM HARCOURT said, he would point out that the moving of the Adjournment of the House was not the proper course to take in a matter of that kind. There was only one form in which cognizance of the conduct of Judges could be taken by the House, when it thought proper to interfere in a case of the kind, and that was by moving an Address to the Crown. There was nothing more important than that the independence of the Judges of this country should be maintained; but his hon. Friend asked the House, at a moment's notice, on what was necessarily a very brief statement of the case, to condemn the conduct of the Judge. He (Sir William Harcourt) neither condemned nor acquitted him, because it was not his duty to do so. The House had the power, in the last resort, of

censuring the conduct of a Judge; but it was a serious matter, which should only be done on full Notice and by an Address to the Crown, otherwise the House would be assuming the functions of a Court of Review over offences, and it was very unfitted for that. He ventured to suggest to his hon. Friend that it was impossible, on a Motion for Adjournment, to adequately consider the question; but he would consider the subject further as to whether there was anything proper or right to be done in the matter; and, if so, would be happy to communicate with his hon. Friend on the subject.

MR. HEALY said, that while an English ruffian only got 12 months' imprisonment for brutally outraging a young lady, and stabbing her, an Irishman in Ireland got 18 months' imprisonment, at the beck of the right hon. Gentleman the Chief Secretary for Ireland, for merely opening his mouth and expressing his opinion on the Land Laws.

MR. H. H. FOWLER thought the statement of the right hon. and learned Gentleman was perfectly satisfactory, and he would communicate with him privately on the matter. He asked that the Motion should be withdrawn.

Motion, by leave, *withdrawn*.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—VIOLENT LANGUAGE.

MR. BELLINGHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, if the report in "Freeman's Journal" 14th July, is accurate that a public meeting was held on Wednesday July 13th, at the Rotunda in Dublin, at which gentlemen named Messrs. Fredericks, Winks, and Finlayson, calling themselves severally Vice President and Secretary of the Democratic Confederation of England and Vice President of the Manchester Democratic League attended; whether, at that meeting, Mr. Sexton, M.P., presided, and in reference to language previously used by English gentlemen who purported to act as deputations from Associations in England, said—

"That some at least of the members of these deputations had been moved to language which would have procured for an Irishman the signal horror of reasonable suspicion;"

*Sir William Harcourt*

whether Mr. Fredericks is correctly reported to have used the following words:—

"He was not afraid to say that the Government which held them in subjection, which by its laws was starving the people and driving thousands of them to other countries, could have no claim upon their submission, and no claim to their affection and allegiance;"

and, if the words made use of were not as reported, can he state whether any words of this character were made use of; and, whether he will take any action in the matter?

MR. W. E. FORSTER, in reply, said he had seen the newspaper reports, but had not been able to obtain any official report of what was said on the occasion. Admission was by ticket. Police and those who were not in perfect sympathy with its object were excluded.

MR. BELLINGHAM was understood to ask if the language used by the English Deputation was, in the opinion of the right hon. Gentleman, sufficient to warrant the arrest of Irishmen, but that Englishmen using it should be free from arrest?

MR. W. E. FORSTER, in reply, could only say that he had carefully looked, and was still looking, at this matter. The hon. Member must really leave the Government some discretion whether they considered that certain persons ought to be arrested or not. ["Oh, oh!"] The hon. Member evidently thought that these persons ought to be arrested. Well, that was a matter for the serious consideration of the Government, and the House could hardly expect him to give any statement upon it.

MR. HEALY asked if they would allow an Irishman to use the same language?

MR. W. E. FORSTER said, that the Government would deal with each case according to its merits.

#### LAW AND JUSTICE—CONTEMPT OF COURT—MARY ANN TROWER.

MR. MACDONALD asked the Secretary of State for the Home Department, if he will lay upon the Table of the House the warrant, and the entry of the same, under which a widow named Mary Ann Trower was arrested on the 11th February 1879, and detained in Holloway Gaol until the evening of July 1st 1880, for contempt of court; and on what grounds the said Mary Ann Trower

obtained her release; and, if he can furnish a statement of what constituted the contempt of court?

**SIR WILLIAM HARCOURT:** Sir, in this case there was an order of the Court of Chancery to do certain things. I presume the order was disobeyed, and then, according to ordinary practice, the person disobeying the Court was committed to prison as a first-class misdemeanant. When the order was satisfied, the person was discharged. That, I understand, was done in this case.

#### THE AUSTRO-SERVIAN COMMERCIAL TREATY.

**LORD RANDOLPH CHURCHILL** asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government, in signing the Protocol between Great Britain and Servia on the 4th July, have assented to the preferential duty on iron, manufactured and partly manufactured, accorded to Austria by the Treaty by Austria and Servia of the 6th of May 1881, in violation of Article 8 of the Treaty between this Country and Servia of the 7th February 1880, which provides that—

“Every reduction in the tariff of import and export duties, as well as every favour or immunity which has been or may hereafter be granted by one of the contracting parties to the subjects or commerce of a third Power, shall be granted simultaneously and unconditionally to the other, except as regards such special facilities as have been, or may hereafter be, conceded to the part of Servia to the neighbouring States with respect to the local traffic between their conterminous frontier districts;”

whether Lord Granville, on the 14th June, demanded that iron and steel should be admitted into Servia duty free; whether, on the 22nd June, after a conversation between the Under Secretary and M. Marinovitch, held on the 16th, Lord Granville abandoned all claims in favour of the British iron trade, and fully accepted the Servian proposals; and, whether the question of the duties on iron, which the Under Secretary stated a fortnight afterwards was still under discussion with the Servian Government, had not been finally settled by the Despatch of the 22nd June?

**SIR CHARLES W. DILKE:** Sir, the state of the case with regard to the arrangements referred to is fully explained in Lord Granville's despatch to Mr. Locock, of the 8th instant, contained in the Parliamentary Paper No. 24

(Commercial), of this Session. The noble Lord is possibly not aware that the Austrians have always paid 3 per cent on these classes of goods. We have never sent any to Servia, and have obtained as the consideration for waiving our Treaty rights upon this point a reduction of duty on woollen and cotton yarns, in which some trade is done, from 8 per cent to 5 per cent. On the 14th of June, Her Majesty's Government asked that certain iron and steel wares should be admitted into Servia duty free. On the 22nd of June, M. Marinovitch was informed that this particular demand was withdrawn. But the precise rate of duty for these wares was still in discussion, and it was not finally settled until the 2nd of this month. Several interviews took place between Mr. Gould, Her Britannic Majesty's late Minister in Servia, and M. Marinovitch, between the 22nd of June and the 2nd of July, and the last of these interviews was held late at night on the 1st of July.

**LORD RANDOLPH CHURCHILL** gave Notice that he would raise the whole question at the Evening Sitting on the Report of Supply.

#### RAILWAYS—RAILWAY CARRIAGES.

**COLONEL BARNE** asked the Secretary of State for the Home Department, Whether, with a view of the prevention of crime in Railway carriages, he would approve of Railway Companies removing the upper portions of the partitions between compartments, as is now done in some of the Underground Railway carriages?

**MR. CHAMBERLAIN**, in reply, said, the Question might be properly addressed to the Board of Trade; but no Government Department had any right to interfere with the construction of railway carriages, and, therefore, their approval would not be required for such arrangements. It was entirely a question for the Railway Companies and the travelling public, and he might add that the proposed arrangements would not meet with universal approval.

#### FRANCE AND ENGLAND—THE NEW-FOUNDLAND FISHERIES TREATY.

**CAPTAIN AYLMER** asked the Under Secretary of State for Foreign Affairs, If he can lay upon the Table of the

House a List of the Questions concerning Newfoundland which have been submitted to the Commissioners, Admirals Pierre and Miller?

SIR CHARLES W. DILKE: Sir, the present proceedings are in the nature of a confidential discussion between the French and English Governments, with the view to ascertaining whether it is practicable to arrive at a settlement on some of the principal points in respect of which our view of the French Treaty right differs from the French view. The two Governments have not thought it desirable to submit to the Commissioners any list of questions to be decided.

COLONEL BARNE asked the hon. Baronet, Whether it is the intention of Her Majesty's Government to grant the French Government any territorial rights whatever in Newfoundland, or any rights beyond those conferred by the different Treaties?

SIR CHARLES W. DILKE: No, Sir; it has not been, at any time, proposed, and is not intended, that any territorial rights in Newfoundland should be granted to the French Government, nor any rights beyond those already conferred by Treaty.

#### PARLIAMENTARY ELECTIONS—REGISTRATION AND QUALIFICATION OF VOTERS.

MR. PULESTON asked the Secretary of State for the Home Department, Whether he has issued a Circular to overseers embodying new instructions as to the registration and qualification of voters; if so, whether he can explain its effect to the House; and, whether he will lay a Copy of it, with such correspondence as may have led to it, upon the Table of the House?

SIR WILLIAM HARCOURT: Sir, after the passing of the Act of 1878, which gave to all persons occupying parts of dwelling-houses a right to be upon the register, my Predecessor (Sir R. Asheton Cross) sent a Circular to the vestry clerks of the Metropolis, calling upon them for explanations with reference to the allegation that they were going to avoid giving effect to the provision of the Act of Parliament. Since that time there has been great complaints that the persons referred to were not put upon the register, and those complaints appear to be well

founded, because in London the number of those persons enjoying the privilege of the franchise is much smaller in proportion to the population than it is in any other part of the Kingdom. Therefore, following the example set by my Predecessor, I have directed another Circular to be issued, calling attention to the clauses of the Act, and requesting that steps may be taken by the different vestry clerks and overseers to put on the list of voters all persons occupying separately any part of a house. I hope the effect will be that many thousands of persons will get the votes to which they are entitled under the Act.

In reply to Mr. PULESTON and Sir JOSEPH M'KENNA,

SIR WILLIAM HARCOURT said, the Circular, at present, had only been issued to the authorities of the Metropolis, because it was from the Metropolis complaints had been received, it being the worst example in the country in that respect; but there would be no objection to address it to the overseers of the country generally.

#### CHARITABLE TRUSTS BILL.

MR. H. H. FOWLER asked the First Lord of the Treasury, Whether it is intended to proceed with the Charitable Trusts Bill?

MR. GLADSTONE: Sir, I have communicated with my right hon. Friend the Secretary of State for the Home Department as to this, and he agrees with me that there is no chance of passing the Bill.

#### COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

MR. JACKSON asked the First Lord of the Treasury, If it is true that in the negotiations for a Commercial Treaty with France Her Majesty's Government henceforth admits without contestation the principle of specific duties; and, if he can relieve the anxiety which prevails throughout the Country by an assurance that Her Majesty's Government will conclude no Treaty with France which will impose higher duties on any goods of British manufacture imported into France than those under the existing Treaty?

SIR CHARLES W. DILKE: Sir, I have been requested by the Prime Mi-

nister to answer this Question. I find that, in the Question, the words quoted are those from a newspaper article, which cause the supposition to prevail that fresh communications have taken place between the two Governments. In answer to the hon. Member, I would refer him to the reply given 10 days previously on the subject of specific duties by the Prime Minister, and would further inform him that no communication has taken place between the English and the French Governments on the subject since the French Commission left London. Therefore, the position remains unchanged. It will be impossible to give a general assurance of the kind asked for. It may be the duty of the English Government to complete a Treaty in which some duties may be raised and others lowered upon goods of more importance to British trade.

MR. JACKSON asked whether the Government had accepted the principle of specific duties?

SIR CHARLES W. DILKE: Sir, I think I am justified in replying, in general terms, that we have not objected in principle to specific duties. As was said the other night on the Motion of the hon. Member for Gloucester (Mr. Monk), the Government has never objected in principle to specific duties, which are levied by almost all the nations of Europe; but we have not consented to them as regards some articles which are the subjects of trade between this country and France, especially cheap and heavy cotton and woollen goods, because it is almost impossible to find a specific duty which will correctly represent the equivalent of *ad valorem* duty. It is not so much a matter of principle, but one of almost insuperable difficulty in finding an equivalent to an *ad valorem* duty.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

##### MINISTERIAL STATEMENT.

MR. R. N. FOWLER asked the First Lord of the Treasury, Whether he proposes, before the close of the Session, to state to the House what arrangements Her Majesty's Government have made for the protection of the Natives of the Transvaal and the neighbouring territories?

MR. GLADSTONE, in reply, said, he would answer this Question in connection with some other cognate matter connected with the Business of the House. The expectation of the Government was, as far as they could then form one, that probably before the close of the Session the exact provisions on the subject of the protection of the Natives of the Transvaal and neighbouring territories, which were embodied in the proposed Convention with the Transvaal Leaders, would be in their possession, and would be presented to the House. Of course, he could not state so positively to the House, because it was not in their power to give them absolute information. With respect to the question of the Transvaal generally, seeing the right hon. Baronet the Member for East Gloucestershire in his place, it might be convenient that he should state the view and intention of the Government. In the first place, it was their intention to make every effort to urge the Committee to close the proceedings on the Irish Land Bill, so far as it was concerned, during the present week. He hoped it was not an unreasonable expectation that it might close on Friday; but, should it be necessary, the Government would ask the House to sit on Saturday, rather than run the risk of passing into the succeeding week. In any event, however, they would propose that Monday next should be placed absolutely and unconditionally at the command of the House, and in the first instance, at the command of the right hon. Baronet opposite (Sir Michael Hicks-Beach), in order that he might, if he desired it, revive the Motion of which he had given Notice with respect to the affairs of the Transvaal. That offer would be an unconditional offer, whatever might happen with the Land Law (Ireland) Bill. If the right hon. Baronet, however, did not think himself called upon to avail himself of the Government proposal, in that case it was their duty to have regard to the Notices given by the other Members of the House, which were in effect substantive Motions, although they only stood on the Paper in the form of Amendments to the principal Motion of the right hon. Baronet. After all that had been said, not only in that House, but still more out of the House, and in what was called "another place," as well as various other places,

the Government had considered it their duty, not only with reference to this country, but with reference to the state of South Africa, that, so far as they were concerned, they should give an opportunity for taking the judgment of the House on this subject. The two hon. Gentlemen who had given Notices on the question were the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) and the hon. Member for Carnarvonshire (Mr. Rathbone). He understood that the hon. Baronet the Member for Carlisle was willing to give way to the Motion of the hon. Member for Carnarvonshire; but, whether it was one or other of those hon. Gentlemen, he (Mr. Gladstone) should have to say that, in case the right hon. Baronet (Sir Michael Hicks-Beach) did not think it his duty to proceed with his Motion, the Government would make the same offer to place Monday at the disposal of the other hon. Members. Passing from that subject, let him repeat that it was not their intention in the present Session to proceed with the Charitable Trusts Bill. He had nothing more to say, except that it would probably be the duty of the Government, viewing the state of the period of the year in which they had arrived, and in conformity with the spirit of previous arrangements, to ask the House, when they came to the third reading of the Land Law (Ireland) Bill, for precedence on all the days of the week, subject, of course, to any very special application which might be made by the promoters of any particular measure, who had a good chance of passing it, to give them some accommodation for the purpose. If they should obtain that permission from the House, their intention was to apply the time which would thus be placed at their command in general conformity with what had been laid down the previous evening by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross). They would propose to apply a certain number of hours of every evening for the purpose of going on with Supply, until they had almost finished it. Of course, they would endeavour to push forward measures of a secondary character of an indispensable nature, and that did not create serious difference of opinion, by taking them in the evenings after Committee of Supply. He would reserve the possibility of any

extraordinary call which might make it the duty and general desire of the House to deviate from the general arrangement that he had proposed.

SIR MICHAEL HICKS-BEACH said, it appeared to him that, considering the statement which the Prime Minister had just made, that the terms of the Convention might be expected to be laid before the House before the end of the Session, they would be taking the Transvaal discussion at a very inconvenient time if it were taken on Monday. He would like to know when they might expect to have the terms of the Convention before them; and, more particularly, if there was any truth in the statement in the morning papers to the effect that the Commission had presented 36 Articles to the Triumvirate, of which the Triumvirate had refused 16, and that among these Articles there was no provision reserving any portion of territory to the East of the Transvaal?

MR. GLADSTONE said, with respect to the statement in the morning papers, he was ignorant of anything of the nature that was there conveyed, and he thought his ignorance must imply that no such information had reached the Colonial Office, as he had seen his noble Friend the Secretary of State for the Colonies only a few minutes ago. He had no reason to suppose that such a statement as that of the presentation of 36 Articles, and the rejection of 16 of them, was at all likely to be true. With regard to what had been said as to the inconvenience of the time for taking the discussion, it was probable that they would receive the Convention, and that therefore the right hon. Baronet would be in a position to make any comment upon it he pleased. The right hon. Baronet, however, would have to recollect that the Convention, when received here, would not be, after all, a final document. It would have to be ratified by the General Assembly, which was called the Volksraad, and before that took place, a considerable interval of time must occur, and therefore there was not the least likelihood of an absolute and final and formal settlement during the present Session.

SIR MICHAEL HICKS-BEACH asked whether the action or policy of the Home Government might be regarded as concluded with the conclusion

*Mr. Gladstone*

of the Convention, apart from the ratification by the Volksraad?

MR. GLADSTONE said, in the main, no doubt, that would be so; but, apart from that particular point, the Government were anxious, as he had said, to have the judgment of the House on their South African policy entirely dissociated from any fear that might exist in the minds of any persons as to inconvenient consequences in South Africa.

SIR MICHAEL HICKS-BEACH: But we shall not have the Convention by Monday?

MR. GLADSTONE: Oh, no.

SIR HENRY HOLLAND asked whether the terms of the Convention would not be submitted to the Government before being submitted to the Volksraad; whether, in fact, the proposal that would be laid before the Volksraad would not be the Convention as approved by the Government?

MR. GLADSTONE said, he should think it would be the Convention as settled by the Commissioners. It was to be remembered that the Commissioners were almost daily engaged in making communications to Her Majesty's Government, and therefore the question whether they should refer home the final words of the Convention, the Government would be disposed to leave to their discretion.

MR. J. COWEN subsequently asked whether the right hon. Baronet the Member for East Gloucestershire intended to proceed with his Transvaal Resolution on Monday?

SIR MICHAEL HICKS-BEACH: I will make an announcement as soon as I can.

#### WATER SUPPLY (METROPOLIS).

MR. W. H. SMITH: I wish, Sir, to ask the President of the Local Government Board, If he is aware that in those districts of London supplied by the Grand Junction Company there has been an almost total suspension of the water supply? I wish to inquire also, Whether the Local Government Board are prepared to exercise the authority they possess to make the Grand Junction Company comply with their statutory obligations in respect to water supply?

MR. CAVENDISH BENTINCK also asked, Whether the right hon. Gentleman

would, without delay, invite the attention of his Colleagues to the question of the water supply of London, with a view to legislation on the subject at the earliest moment possible next Session?

MR. DODSON, in reply, said, his attention had been directed to this matter by the Question of his right hon. Friend (Mr. W. H. Smith), and also by the Question of which the hon. Member for Marylebone (Mr. D. Grant) had given Notice; but he hoped it would not be thought a matter of disrespect either to his right hon. Friend or to the hon. Member for Marylebone, if he added that it had been still more forcibly directed to the matter by a deficiency in the water supply in his (Mr. Dodson's) own house. Information was received by the Local Government Board yesterday of the failure of the high service supply in a house at Brixton, and he immediately directed Colonel Bolton, the Water Examiner attached to the Department over which he presided, to make inquiry into the matter. He had not yet received a Report from that official; but when he did so, he would consider of communicating it to the House, and would also be in a position to state the nature of the proceedings the Government would propose to take. In answer to the right hon. and learned Gentleman the Member for Whitehaven (Mr. Cavendish Bentinck), he had only to say that, in accordance with the recommendations of the Select Committee of last Session, the necessary Notices of a Bill relating to the Water Companies of London had been given early in the Session by the right hon. and learned Gentleman the Secretary of State for the Home Department; but the Bill itself had not been introduced, because there were large pecuniary interests to be dealt with in the way of purchase and compensation, and it was not deemed advisable to introduce a Bill of the kind without the tolerable certainty of being able to pass it into law in the Session in which it was introduced.

#### NAVY (FITTERS IN HER MAJESTY'S DOCKYARDS).

SIR H. DRUMMOND WOLFF asked the hon. Member for Stoke, Whether there was any chance that he would bring on his Motion with regard to Fitters in Dockyards?



MR. BROADHURST, in reply, said, he was extremely sorry to say that he had no hope whatever of being able to bring the subject forward this Session. He was extremely sorry for that, as it was a subject on which there was a very wide interest throughout the country. If he was unable that evening to bring the subject before the House, it was probable that he should prefer to adjourn it to next Session rather than run the risks of having to take a debate on the subject at an unreasonable hour of the night, when it could not be fully gone into.

PARLIAMENT—BUSINESS OF THE HOUSE—COMMENCEMENT OF PUBLIC BUSINESS.

EARL PERCY asked, What Supply—the Civil Service or the Army Estimates—was to be taken after the conclusion of the Land Law (Ireland) Bill; and, whether it was intended to restore the rights of private Members on Tuesdays and Fridays, after the Land Law (Ireland) Bill had passed through Committee?

MR. GLADSTONE, in reply, said, that as he did not consider that any lengthened interval would be necessary between the Committee and Report, his duty would be to ask for precedence for the final stage of the Land Law (Ireland) Bill on every day in the week. As far as Supply was concerned, the first duty of the Government would be to endeavour to make progress with the Civil Service Estimates.

In answer to a Question by MR. HEALY,

MR. GLADSTONE said, he would bring forward on Report a proposal providing for some interval between the passing of the Land Bill and the creation of future tenancies.

SIR GEORGE CAMPBELL asked, What were the intentions of the Government respecting the purposes to which the Irish Church Fund was to be applied; and, how much would be used in carrying out the Land Law (Ireland) Bill?

MR. GLADSTONE, in reply, said, it was intended to make the Irish Church Fund available only for one limited purpose in regard to the Land Law (Ireland) Bill—namely, that of dealing with arrears.

WAYS AND MEANS—THE BUDGET PROPOSALS.

SIR STAFFORD NORTHCOTE said, there were two proposals made in the Budget which required legislation. He wished to ask, Whether these were to be proceeded with, and whether it would be in one Bill? He referred to the arrangements for setting up new annuities, and to the alteration of our arrangements with India with regard to advances made to the Indian Government.

MR. GLADSTONE, in reply, said, that it was intended to proceed with these measures, but probably in separate Bills. With reference to the setting up of new annuities, hon. Members would naturally, and most properly, require to know what arrangements had been made in order to give not only substantial, but evident and visible security to the suitors that were interested in the Chancery Fund. That matter would be carefully considered between the Treasury and the Lord Chancellor, and they would probably lay on the Table, in the form of a short Minute of the Treasury, the information necessary.

CHURCH PATRONAGE (No. 2) BILL.

In reply to MR. ILLINGWORTH,

MR. GLADSTONE said, he was not in a position to say whether special facilities would or would not be given for the progress of the Church Patronage (No. 2) Bill. He must refer the hon. Member to those who were responsible for the Bill, which was not a Government measure.

TUNIS—THE CONFERENCE AT VIENNA.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether he will accompany the Papers that have been presented to the House, relating to Tunis, with the Protocol of the Conference at Vienna, regarding the views of France on Tunisian matters?

SIR CHARLES W. DILKE, in reply, said, he thought there would be no objection to giving those Papers; but he would inquire, and see if there was any reason why they should not be given.

## ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]  
 (Mr. Gladstone, Mr. Forster, Mr. Bright, Mr.  
 Attorney General for Ireland, Mr. Solicitor  
 General for Ireland.)

COMMITTEE. [THIRTIETH NIGHT.]

[Progress 18th July.]

Bill considered in Committee.

(In the Committee.)

## PART VII.

DEFINITIONS, APPLICATION OF ACT,  
AND SAVINGS.

Clause 46 (Tenancies to which the Act does not apply).

SIR WALTER B. BARTTELOT said, he had an Amendment to propose which stood on the Paper in the name of the hon. Baronet the Member for Coleraine (Sir Hervey Bruce). Those who were well acquainted with Ireland must know that a large portion of the unreclaimed moorland belonged absolutely and entirely to the landowners of Ireland. ["No, no!"] Well, a large proportion of it. And he thought he was fortified in his assertion by the statement made by the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law), who had adduced more than one instance in which moorland had been let by a landlord to a tenant at a moderate rent for a certain time, and then, upon its having been sold, or having again come into the possession of the landlord, the rent had been raised considerably. They had had given to them some very startling figures on this point, clearly showing that the land did belong, and belong absolutely, to the landlord. He only mentioned this in order to prove that a large proportion of this land was absolutely the property of the landlord, and that it was used by him for various purposes—for sporting purposes, for instance; and, in the next place, that it had been used by the landlords for allowing their tenants to turn out a certain number of sheep or cattle. The permission to use the land for grazing purposes had been given as a favour to the tenant, and in many instances, particularly in County Donegal, the landlords had taken care to reserve to themselves all rights and privi-

leges in regard to this land. Where they had allowed the tenants to use it, it had only been for a few months at a time, so that it came into their possession again every year, and they were enabled to do with it as they thought proper. If that was the case, it would be a monstrous hardship if a tenant who had the right of selling his interest in his holding should also have the right of selling an interest in the privilege of using this land which had been granted to him from time to time by the landlord. He (Sir Walter B. Barttelot) hoped he had put the case clearly, because the matter was one that really deserved serious consideration at the hands of the Committee. He was quite sure that the Prime Minister was most anxious that nothing which could in any way imply that this property, which belonged to the landlord, should be taken away and given to the tenant to whom it did not belong, should be put in the Bill. He ventured, therefore, to hope that the words he asked the Committee to introduce, the Government would allow to be inserted.

Amendment proposed, in page 26, line 34, after the word "land," insert "unreclaimed moorland."—(Sir Walter B. Barttelot.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law) said, he did not think that unreclaimed moorland should be excluded. Either such land was in possession of the landlord, or it was part of the tenant's holding. If, as the hon. and gallant Baronet said was the case in Donegal, the land was reserved by the landlords, it would not be affected; but, on the other hand, if it formed part of a tenant's holding, he (the Attorney General for Ireland) failed to see why it should not be dealt with by the Bill. That was precisely the kind of land that ought to be protected.

Mr. O'SULLIVAN could not see any reason for the Amendment, unless it was to deter people from reclaiming moorland. If the tenants reclaimed this moorland, it was surely in the interests of the country as well as themselves; but if the Committee exempted this unreclaimed waste land from the Bill, the tenantry would have nothing to do with it.

[Thirtieth Night.]

MR. HEALY wished to ask the right hon. and learned Gentleman the Attorney General for Ireland, whether he had considered the question of cut-away bogland? In many cases the tenants held land from which the bog had been cut away, and which, therefore, was of no use to anyone. If the Amendment was accepted, there would be no inducement for anyone to reclaim such land. When the bog was on the land, the tenants had common right over it. He should like the Government to consider what ought to be the position of these large tracks of cut-away bog land, supposing the tenantry wished to reclaim it.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the right referred to by the hon. Member—namely, the right of turbary—was well known in Ireland. Where the right was given, when all the turf was taken away the right was at an end—the thing was over. There were other cases, which were not uncommon, where the land itself was common property. In these cases, when the bog was removed, the land would still continue to be common property, and would not belong to the landlord.

SIR JOSEPH M'KENNA said, that supposing the bog had been cut away, and the land had been put in cultivation by the tenants, it would be very unfair to allow the landlord to resume possession of it. No doubt, in the past, the landlord, if he had availed himself of his extreme rights, would have been enabled to do so; but, in the future, where the tenant had enjoyed possession of the substratum, it should be merged into his holding. He did not know whether the Bill would do anything in the matter.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that if a tenant went on paying a certain rent under which he enjoyed certain rights, and this right was not taken from him, by implication the land would become part of the holding.

MR. HEALY said, he wished to point out that where the tenant had enjoyed the use of the turf on common land, it would be undesirable that the land, when cleared, should be left to go to waste. He would ask the Government to hold out some inducement to the tenants to reclaim land of that kind,

and not to allow it to remain in the hands of landlords in a useless condition.

MR. GLADSTONE: I would point out to the hon. Member for Wexford that we have no more power over land like that than we have over other rights that the landlord may possess. Unless the landlord has been taking rent for this land I do not see how we can deal with it.

SIR JOSEPH M'KENNA said, that this case would sometimes arise, that the rent fixed for a holding would be higher in consequence of the rights of turbary than would otherwise have been the case. If a lower rent was asked when the turf had vanished the tenant would have no claims on the land.

MR. MARUM said, the hon. Member for Wexford (Mr. Healy) did not see the distinction that the right hon. and learned Gentleman the Attorney General drew. There might be a joint tenancy in any particular bogland, or there might be only a right of common.

MR. GIBSON said, the Amendment was an important one, and unquestionably, if it was not to be dealt with now or on Report, it might lead to a great deal of hardship. This unreclaimed moorland was sometimes let on the easiest terms, sometimes at a trifling rent, sometimes even at no rent at all. It was let, not for the purpose of reclaiming, nor for any other substantial purpose, but for the mere sake of allowing the tenantry to send their cattle on it to graze. It was sometimes given as a separate holding, and sometimes as an addition to a holding. The subsequent sub-section, he was aware, excluded pasture lands of a certain value, and also under certain other conditions; but this unreclaimed mountain land, which was very common in Tyrone and Donegal, and which had been given on easy terms, would not come within the value, or very little of it would come within the value, fixed under sub-section 3; very little would come within the value fixed under sub-section 4. The matter was of some importance, and he quite agreed with what was said by the hon. Member for Limerick County (Mr. O'Sullivan), that it would be unreasonable to interfere with tenants in processes of reclamation. That was not the point at all; but there were cases where the land was let on very easy terms, so that a man might occa-

sionally allow his cattle to roam over it and get what pasture they could. It was certainly not reasonable that such a case as that should be dealt with. He had no doubt that on Report the question would be raised again by the hon. Baronet the Member for Coleraine (Sir Hervey Bruce), who was thoroughly conversant with the subject. He would, therefore, recommend that the Amendment be withdrawn.

Question put, and *negatived*.

Amendment proposed,

In page 26, line 34, after "demesne land," to insert "or any land being or forming part of a home farm."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. O'SULLIVAN said, he should like to know from the right hon. and learned Gentleman what he meant by a "home farm;" because if he (Mr. O'Sullivan) understood the common English of it, it meant where the occupier resided, and if that were the case, every tenant farm in Ireland was a "home farm." He was afraid that the phrase would cover every farm in Ireland; at any rate, he thought the Amendment was a very dangerous one, and should not be accepted.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the phrase would be understood as meaning, substantially, a pleasure farm attached to an estate—a farm cultivated by the owner of an estate for his own amusement. It was, practically, the demesne, but did not come under the definition of a demesne.

MR. MARUM said, that as he understood the right hon. and learned Gentleman, he wished the "home farm" to be understood as being part of a farm belonging to the owner in fee that might be a distance from the park or from the mansion. Why they wanted to bring this measure into play was because they saw the necessity of there being a partnership between the tenant and the owner. That principle was carried out in the clauses, and where the question of town parks arose there should be a partnership recognized, or the tenant's interest would be confiscated. Neither the landlord nor the tenant should be allowed to confiscate the interest of the

other. He thought the words "draw farm" should be inserted as well as "home farm."

MR. O'SULLIVAN said, that if the Commissioners would be likely to take the same view of the matter as the right hon. and learned Gentleman the Attorney General for Ireland there would be no danger; but, as the question stood, the Amendment would be a very dangerous one. He did not know what a "home farm" could be in Ireland, if it were not a farm upon which a man lived. Would the right hon. and learned Gentleman object to add the words "or ornamental residence?"

MR. HEALY wished to know on whom the burden of proof would be thrown in these cases? This was an important question, and he had an Amendment later on to throw the burden of proof as to the present tenancy on the landlord, because he was the person who would keep books and accounts, whereas the tenants would be more likely to be without such records.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, as he understood the Act, it would apply to all tenants of every kind. The effect of this limited section would be to withdraw certain classes of holdings, and the burden of proof would lay with the landlord to show that these were exceptions.

MR. HEALY: There can be no objection to put words to that effect in the Bill.

MR. O'SULLIVAN: Has the right hon. and learned Gentleman any objection to adding the words "or ornamental residence?"

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Those words would be altogether unnecessary, as they are included in "demesne lands."

MR. BIGGAR said, it seemed to him that the Amendment was of a very ambiguous character, and would possibly do a great deal of mischief. It might be held that every farm in the possession of a landlord, which had been cultivated by him for two or three years, was a "home farm." The question was one of practice and custom—whether speaking of a "home farm" which was one or two miles away from the demesne might not give rise to very serious controversy when the Bill became law? He did not see any strong argument in favour of the Amendment, or in favour of the

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reference to demense lands. A present tenancy could not be created on the demense, and he did not see any substantial advantage to the landlord in adopting the Amendment. Strictly speaking, it would be better to leave the subsection out altogether.

MR. DAWSON said, the term "home farm" was not understood in Ireland, but its meaning could not fail to be clear after the explanation they had received from the Treasury Bench. No doubt, the owner would be in possession of the land; but would it not be as well to insert words to that effect? He would propose that the right hon. and learned Gentleman should adopt in his Amendment the words "in the occupation of the owner."

MR. GIBSON said, that would neutralize the whole clause. It might, for family reasons, or for his own convenience, be a desirable thing, as far as the landlord was concerned, that he should be able to make a letting of his demense, and of his "home farm." He should be able to do that when an emergency arose; and, when the necessity had passed, he should have power to come back again. The Amendment would be useful in the case of minors, and a great many others.

MR. HEALY asked whether the right hon. and learned Gentleman (Mr. Gibson) meant to say that if there was a piece of demense land let to a tenant, the tenant should have no tenant right in connection with that holding? He (Mr. Healy) apprehended that he would. He understood that it was only the landlord in the occupation of the land himself who was not to bear the burden of the Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that if a person severed a portion of his farm from the rest, it would cease to be a "home farm;" but it would continue to be such as long as it remained entire.

MR. O'SULLIVAN said, he should be glad if the hon. Member for Stroud (Mr. Brand) would give them his opinion on the subject.

MR. BIGGAR said, the matter was a very serious one, and the right hon. and learned Gentleman the Attorney General for Ireland had failed to tell them why he had not put in words to make the thing quite clear. The Amendment seemed to him to be thoroughly am-

biguous, and he should have to vote against it, unless it were made clearer.

SIR JOSEPH M'KENNA thought these words might with advantage be added to the Amendment—"or any land ordinarily in the possession of the landlord."

MR. MARUM said, that as there was some difficulty in the matter, he would suggest that the Act should not apply to any "home farm now in the occupation of the landlord."

MR. O'SULLIVAN said, the right hon. and learned Gentleman might add the following—"in the occupation of the owner at the time of the passing of the Act."

MR. MULHOLLAND said, he could speak without prejudice on that matter, as he had been in the enviable position of tenant of a "home farm" belonging to a resident in his neighbourhood. The proprietor and his family had been a long time away, and he (Mr. Mulholland) had entered into a written agreement to give up the farm at any time on a six months' notice. Unless the Amendment were agreed to, it would be impossible for anyone to make a contract of that kind, and it would be a monstrous thing to prevent such an agreement being entered into.

MR. MITCHELL HENRY said, that a "home farm" might be separated into several portions, and one part might be distant half-a-mile or more from another. They should not be deprived of the privilege of having a "home farm" in cases where that farm was divided into two or more parts.

THE O'DONOGHUE said, that land that would come under this Amendment would be land that had always been cultivated by the owner. To give the Committee an idea of land that should not come under the clause, he would imagine that on the passing of this Bill a landlord might have in his possession land thrown up a short time before by the tenants. Such land should not come under this Amendment, and any tenant taking it should have all the benefits of the Act.

MR. O'SULLIVAN said, it might prevent a division if the right hon. and learned Gentleman would add these words—"in the occupation of the owner at the time of the passing of this Act."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that it would

be unfair to deprive a man of the power of acquiring a "home farm" years hence. He should be ready to adopt the words "or any land ordinarily being or forming part of the 'home farm.'"

SIR JOSEPH M'KENNA: Ordinarily in possession of the landlord?

MR. GIBSON said, he agreed with the right hon. and learned Gentleman's exception, believing it to be a very reasonable one; but he thought that the word "ordinarily" used in this connection would be much more objectionable than the words of the clause. It would be better to keep the Amendment as it was, and he was sure that every hon. Member in the Committee understood perfectly well what was meant by the words "home farm."

Question put, and agreed to.

MR. HEALY said, the next Amendment on the Paper was in his name, and the subject with which it dealt, though a small one, had attracted a great amount of attention in Ireland. Hon. Members from Ireland had received scores of letters from persons holding town parks, complaining of their exclusion from the benefits of the Bill. There was a great deal of misconception as to what a town park was, and that misapprehension should be removed by means of the clear wording of the provisions of the Bill. The point he wished to put to the Government was this—whether, in the case of a small village in Ireland, where there was an increase of letting value, it was desirable that this exclusion should be made. He had visited a small town of 300 inhabitants in Wicklow, and a number of people had come to him and told him they occupied lands which were termed "town parks," for which they paid substantial sums. These people had shops; but they said the shops would not keep them, and they were really more in the position of farmers who happened to have shops than in the position of shopkeepers who happened to have farms. Life was very sluggish in these little towns, and the advantage of living near them and their small markets was very slight; and he would, therefore, ask whether it was not advisable to put in a provision such as he proposed in his Amendment—namely, to insert after the word "town," the words of "above 6,000 inhabitants." He knew a case where town park land was

on the river side; the occupier had to pay an extra rent for it, and it was excluded under this Act. But it was flooded every year, and the tenant actually suffered a loss from it. He would urge the Government to accept the Amendment; and he would ask them, at the same time, whether they could give any idea of the total acreage of land held in Ireland which was called "town parks?" It might be useful for the Committee to have that information on Report. No doubt, it could be got from the clerks of the Unions.

Amendment proposed, in page 26, line 35, after "town," insert "of above 6,000 inhabitants."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

MR. LEAMY reminded the right hon. Gentleman the Prime Minister that there was a great difference of opinion existing on the subject of population. One barrister, for instance, would say that a population of 2,000 constituted a town, and another would restrict the population to 200 or 300. In that state of uncertainty, it was only natural that Irish Members should ask for an explanation of the term "town;" and he thought the Prime Minister should include some definition of this in the Bill.

MR. FINDLATER fully understood the anxiety of hon. Members opposite with regard to this question, which, in many parts of Ireland, was one of deep interest. There had been many instances of what he considered to be the very objectionable practice of turning farms into town farms, in order to get the benefit of Acts of Parliament. A great deal of evidence upon this subject had been given before the Bessborough Commission. He hoped the Government would accept the Amendment.

MR. PLUNKET pointed out that the question was one of value, irrespective of population.

MR. SHAW said, this was a question of considerable interest in a great many parts of Ireland; and, having fully considered the matter, he thought the Government would do wisely in accepting the Amendment, although he considered the figure of 6,000 as somewhat too large.

MR. O'SULLIVAN said, the meaning of the word "town" was at present an open question, and every barrister could

take his own view of it. For his own part, he thought the hon. Member for Wexford (Mr. Healy) had gone a little too far in fixing the number at 6,000 inhabitants. The only place in which he (Mr. O'Sullivan) could find a definition of the word "town" was in the Towns Improvement Act of 1874, which included in the definition of "town or borough," a place of 1,500 inhabitants. It was a matter of notoriety that serious inconvenience arose from this uncertainty, and for that reason he urged upon the Government the propriety of introducing into the Bill a definition of some kind or other of the meaning of the word "town." If they considered the number expressed in the definition of the hon. Member for Wexford too high, they could, no doubt, get the hon. Member to name a smaller number. If some definition were not given in the clause, undoubtedly great litigation and expense would arise after the passing of the Act with regard to this particular point; and, therefore, he appealed to the Prime Minister to assist in mitigating what was regarded by Irish Members as the great blot on the Bill—namely, the enormous expense that it would give rise to.

MR. GIBSON said, it was very well recognized that there might be a large increase of value as accommodation land in the case of towns of 200 or 300 inhabitants; while, in the case of towns of 3,000 or 4,000 inhabitants, there might be none. It was, therefore, quite obvious that to confine the test to population was to ignore the most important condition of all—namely, the increase of value. It would be a retrograde step to attempt in this Bill to define that which was impossible of definition. The clause, as it stood now, was introduced into the Act of 1870, and passed unamended through that House; moreover, it passed unamended through the House of Lords, and had worked without friction ever since. He thought it better to retain the clause in its present form, inasmuch as confusion would unquestionably arise if it was attempted to draw an arbitrary line in the matter of population, which, after all, was only one test.

MR. REDMOND said, that the question of town parks was exciting, and had excited the greatest interest in Ireland, and the proof that the clause in the Land Act relating to them had not

worked without friction was the dissatisfaction that now existed in some towns on the subject. It seemed to him that the Government would do well to pay attention to the opinions which had been given from almost every quarter of the Committee by hon. Members, whether Irish Members or not. Hon. Members from Ireland of every shade of politics had spoken in favour of the Amendment before the Committee, with the exception of the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson). In a matter of that kind the opinions of Irish Members ought to carry with them great weight with the Government. With regard to the limitation proposed, no one would think of obstinately adhering to any particular limit. If only the Government would agree to some limit in the clause, he thought his hon. Friends would not be disposed to make any difficulty with regard to the number of inhabitants. For his own part, he was in favour of the number 6,000, which he believed was used in the Public Health Act passed in the last Parliament by the late Government as the definition of a "town." He thought it would be well if the Government were to make a further statement, inasmuch as the whole of the opinions expressed by Irish Members, with the exception of those of the two right hon. and learned Gentlemen on the Front Opposition Bench (Mr. Gibson and Mr. Plunket) was in favour of the Amendment of the hon. Member for Wexford.

MR. MULHOLLAND said, he thought the word "ordinarily" ought to satisfy hon. Members below the Gangway. But the whole subject had been thrashed out in 1870; and in the course of the debates which took place on the Land Bill at that time one speaker had said that the distinction between agricultural holdings and town parks had been known for centuries. It was obvious that the tenant in these cases did not reside on the holding, and made no improvements. The custom had been for the tenant to surrender to the landlord the town park, which was never subject to sale or purchase, to the landlord who handed it over to the new tenant. There was no analogy whatever between town parks and other agricultural holdings; and, therefore, he hoped the Government would not agree to any modification of

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the clause which had hitherto worked well.

MR. MITCHELL HENRY said, he was clearly of opinion that the term "town parks" required some definition in the Bill. He had known great hardship arise from places being treated as town parks, which were never so-called before the Act of 1870. In one case, a man who had attained the age of 90 years had lived for many years on a small farm, the rent of which had been continually raised owing to its being near a town. At his death, his son, who refused to emigrate, remained on the land, and continued to pay the increased rents, and when he (Mr. Mitchell Henry) saw him he had in his pocket a roll of promissory notes extending over a period of 15 years, with which he paid the rent; he was only able to live by the bankers, who knew the circumstances, continually advancing him money to meet the notes as they became due. For his own part, he had never been able to see any reason for the exemption of town parks from the operation of the Bill. What reason could be shown why a holding near to a town should be exempted from the jurisdiction of the Court, as regarded the fairness of the terms on which it was held, because the rent was £2 an acre instead of £1? He was unable to see why these words relating to "town parks" had been introduced at all, and trusted that if the right hon. Gentleman was in a position to consider the point further he would do so, with the view either of including town parks within the operation of the Act, which he (Mr. Mitchell Henry) thought was the right course, or, at any rate, with the view of strictly defining them.

MR. P. MARTIN trusted, if the words "town parks" were not altogether excluded from the Bill, that some definition would be given. He believed that anyone who had the slightest acquaintance with the working of the Land Act of 1870 would know that there was no greater difficulty than to get a definition of the word "town." There had been many opposing decisions upon this subject amongst the Judges. The words made use of in the Act of 1870 were extremely vague, and of a character to invite litigation. Notwithstanding the difficulty of making use of apt and proper words to define "town parks," yet if tenants of these holdings were to be

excluded it was the duty of Her Majesty's Government to clearly define the meaning they attached to the term. He respectfully submitted, as a proper solution, that the holdings should be included within the operation of the Bill. If an increase of rent ought justly to be paid to a landlord for these town parks, the Land Commissioners, who ascertained the judicial rent, would most certainly attach to them as much additional rent as might be properly paid for accommodation, so that no injury would on that account be done to the landlord. He wished to allude to the fact that there was a suggestion made by four of the members of the Bessborough Commission that town parks should no longer be excluded from the operation of the Land Acts. Such was their recommendation; and seeing that it could do no possible harm to the landlords, and while the reason for the exclusion of town parks which existed at the time of passing the Act of 1870 was no longer valid as applied to this Bill, he trusted the Government would not continue their exclusion.

MR. GILL said, he was desirous that the Government should agree to the suggestion of the hon. and learned Member for Kilkenny (Mr. P. Martin) to exclude town parks from this clause, so that the occupiers might have an opportunity of going into Court for the purpose of having a judicial rent fixed. But if the Government could not see their way to do that, then he trusted they would accept the Amendment of the hon. Member for Wexford (Mr. Healy) which was then before the Committee. He had considered the subject fully, and was unable to see that it could in any way do harm to the landlord to adopt either of those suggestions, inasmuch as the Land Commission would do no injustice to the landlord in fixing the rent. There were many cases in which it would be very difficult to draw a line of demarcation between lands that were called farms, and lands that were called town parks. For instance, he knew of a holding of 50 acres within a mile of a town in Ireland which was called a town park, the occupier of which paid a rent of about £6 per acre, while the farm adjoining it—and which was only a quarter of a mile further from the town—of the same size and quality of land, was let at about half that rent. The former of these was



called a town farm, and the latter an ordinary farm. He could not see that the so-called town park derived any advantage from being a quarter of a mile nearer the town than the other, which was at all equivalent to the additional rent of nearly £3 10s. per acre. Again, in many towns, the occupiers did not hold the farms in the neighbourhood for the purpose of obtaining any extra profit from the fact that they were near the town. They held them in order to make some profit in addition to that which they might make from their small businesses in the town, for, owing to the very low state of business in Ireland, the profits they made by their shops were by no means sufficient to supply them with the means of living. They took these farms for the purpose of increasing their small incomes, and it was only by sending their goods to considerable distances that they could make any profit out of them whatever. Under these circumstances, he thought the Government should take the suggestions which had been made into consideration, and either withdraw the words "town parks" from the clause, or mention some number of inhabitants of the towns as a limit beyond which the clause should not operate.

LORD GEORGE HAMILTON thought that, inasmuch as the Government appeared to be influenced rather by the number of persons who spoke for and against an Amendment than by the arguments which they used, it was right to express his hope that they would retain the sub-section as it stood, instead of agreeing to its being altered in the direction indicated by the Amendment. It had been pointed out that town parks paid an increased rent over the other land in the district, and that they were generally in the occupation of some person living in the neighbouring town or city. Now, supposing the Amendment of the hon. Member for Wexford (Mr. Healy) was accepted, and an arbitrary numerical limit as to population placed in the clause, it would, undoubtedly, result that a considerable number of persons occupying town parks would get a tenant right which they were not entitled to. He pointed out to the Committee that there was a great deal more behind this proposal than at first sight appeared. It might, for instance, very materially affect the growth

of towns in various parts of Ireland, because if they gave to people occupying the lands in question rights which they never had before, and which they could sell for a considerable sum of money, they naturally increased the value of the land that adjoined the town, and made it more difficult for the landlords to afford additional accommodation.

MR. DALY said, the Prime Minister appeared to have forgotten that if the question of town parks came before the Court the Commissioners would have to take into consideration all the circumstances of the holding. Therefore, in taking the words "town parks" out of the sub-section there could be no possible injustice done to the landlord. On the other hand, if the words were retained a great injustice would be done in many cases, unless a close definition was given. With regard to the Amendment before the Committee, he was inclined to the view expressed by the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson) that a numerical limit was not the only test to be applied, while he agreed with the hon. and learned Member for Kilkenny (Mr. P. Martin) that for the purposes of this Bill the words "town parks" should be excluded from the clause altogether.

MR. GLADSTONE: It appears that I have arrived at a conclusion, in conjunction with my right hon. and learned Friend (Mr. Gibson), in reference to this point which will not be satisfactory to hon. Members generally. But we are now dealing with a subject of great importance, entirely distinct from the general provisions and purport of the Bill—that is to say, the local limits within which it will apply, or, as it may be termed, the geography of the question. This is a matter which has not been before under our consideration, and which is altogether new. There has been a kind of general assumption that this Bill was to adhere to the lines of the Land Act of 1870. I do not recollect that the Commission which preceded the introduction of this Bill was so minute in its inquiries as to touch upon this subject in their Report. Everyone has known for the last six months that proposals were about to be made affecting the relations of landlords and tenants in Ireland; but that was

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taken to mean the relations of landlord and tenant as understood in the Land Act of 1870. If I were dealing with the question for the first time I should feel strongly the appeal made to me by hon. Members. I cannot conceive for a moment that, if these matters were brought within the purview of the Court, the Court would be so insensible of its duty as to reduce the rent; and, therefore, I do not think we should be doing an injury to the landlord simply by extending to him the jurisdiction of the Court. But I feel, on the whole, obliged to take this line. I think it is our duty to say that we must regard the question of town parks as a separate matter, and that we cannot with equity to all parties introduce into the scope of the Bill at the eleventh hour—I might say at this advanced portion of the twelfth hour—of the discussion on the Bill, a subject which is new in the sense of its not having been fairly before the minds of the parties interested. Therefore, Sir, we feel it to be our duty to adhere to the clause as it stands, not as saying that the present state of the law as regards this subject is satisfactory, but because we feel we cannot undertake to legislate upon it before notice has been given to, and before we have obtained from, the persons interested, all the light which they can throw upon it.

MR. HEALY said, the argument of the Prime Minister had proceeded upon the assumption that all parties interested in the present transactions with reference to the Land Question in Ireland had received due notice of changes proposed. Of course, it was not to be expected that the right hon. Gentleman could make himself acquainted with the movement of Irish opinion on small matters of this kind; but he was in a position to inform him that if there was one point on which Irish feeling had been expressed strongly it was upon this subject of town parks. With regard to the Notice which hon. Members had received upon this Amendment, he begged to say that he had handed it to the Clerk at the Table immediately the Bill had been read a second time, so that there had been ample opportunities for studying the Amendment on the part of hon. Members. He reminded the Premier that he appeared to be under the impres-

sion that there was compensation for disturbance in the case of occupiers of these lands. It was a shocking thing to think that after they had made improvements on their farms and were turned out they were not entitled to compensation. By leaving the question of town parks in its present position the Government were simply putting a premium on agitation. They admitted the injustice of the present system, but said that, owing to the want of notice to the parties interested, it was undesirable to entertain an Amendment of this kind. He appealed to the right hon. Gentleman, if he could not agree to the Amendment at that moment, to say that the matter should be considered before Report.

MR. A. MOORE said, as he understood the existing law, tenants who held town parks were entitled to the protection of the Act of 1870 in respect of their improvements; they were also entitled to be recouped for the money given to the previous occupier with the consent of the landlord; but they were not entitled to compensation for disturbance. If the Government would say that the Commissioners might value town parks, as well as other agricultural holdings, he believed it would add to the number of those persons in Ireland who regarded this Bill with satisfaction. But he could not support the Amendment, because, if they once landed themselves in the valuation of town parks, he could not understand how they could confine themselves to towns of 6,000 inhabitants.

MR. LEAMY said, as the Prime Minister had stated that the present law on this subject was not satisfactory, but that the question of altering it could not be entertained, because the landlords had not had sufficient notice, Irish Members would have to tell the people of Ireland that if they wished the defects in the law to be removed it would be necessary to get up another agitation.

MR. O'SULLIVAN said, the arguments of hon. Members had travelled wide of the Amendment before the Committee; and it would appear from some of them that the supporters of the Amendment wished to get rid of the exemption of town lands from the operation of the Bill altogether. But that was not the case. They were asking for a definition of "town parks," and did so with the desire of avoiding, in future,

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the expense and litigation which had already arisen from the state of uncertainty in which this question was involved. They wanted the Government to define the meaning of "town," for the purpose of this Bill, and not leave open the door to future uncertainty, and the inevitable expense attached to it.

MR. SHAW hoped that the clause would be allowed to pass after the assurances of the Prime Minister. Looking at the Amendment of the hon. Member for Wexford (Mr. Healy), it appeared to require some verbal alterations, which would make it more effectual; and he thought the best course to pursue was that this matter should be removed altogether from the difficulties of legal decisions, and that it should be placed in the hands of the new Court which was to be established under this Bill. The hon. Member for Downpatrick (Mr. Mulholland) had stated that these town parks were not subject to purchase and sale in the same way as other agricultural holdings; but he (Mr. Shaw) could point out to him many cases in the South of Ireland where the reverse was the case, very large sums being paid for them. He was in favour of the matter being dealt with in the Bill, in a manner that would do no injury at all to the rights of the landlords; while, at the same time, the interests of the occupiers were guarded. He thought the question might safely be left in the hands of the Government.

MR. MACARTNEY said, the proposal was that the small towns and villages should not be treated like the large towns; but it was generally the small villages that had "town parks" near them. These spaces near the large towns were, as a rule, occupied by market gardeners. It was a rare thing for large towns to have farms near them kept for grazing purposes; whereas, in the case of small places, it was very common.

MR. GLADSTONE: I recognize the spirit of my hon. Friend's (Mr. Shaw's) suggestions; but I am bound to say that, in view of the short time that will elapse before the Report, we do not feel that we should be able to put forward any satisfactory provision dealing with the lands in question. This is a question which, undoubtedly, requires the greatest amount of consideration; and, although I might be able to satisfy myself

upon it very easily, if it were to be decided according to my own view, there is another element in our judgment necessary, and that is, that we should have the benefit of all the assistance and information which can be afforded by the parties interested. It is by having had recourse to such information and assistance that we have alone been able to cope with this great Land Question to the extent which we have done. But there are other reasons which must have their due weight in deciding the course which the Government have to pursue. I do not think we have any judgment on the subject in the Report of the Bessborough Commission; and with regard to the suggestion of the hon. and learned Member for Kilkenny (Mr. Martin), I can conceive that very serious objections might be raised to the removal of the words "town parks" altogether from the clause; and, again, I feel considerable doubt as to the distinction proposed to be drawn between small and large towns. I believe that the lands in question are much more known in connection with small than large towns. Then let hon. Members consider the difficulties involved in the proposal to bring town parks within the operation of the Bill. At present, the holders of town parks can claim for improvements, and even if they could claim compensation for disturbance they have no title to sell their tenant right; they have no protection against the arbitrary augmentation of rent, and, finally, they have no right to go into the Court. These are all serious questions; and although we are prepared to do our best, I cannot honestly give a promise that we can reconsider the matter usefully before Report. I frankly own, however, that the present state of the law on this subject is unsatisfactory.

MR. MACFARLANE said, that, after the distinct statement of the Prime Minister, he could see no advantage in arguing the question further, against his decision. He, however, suggested to the right hon. Gentleman that he might reasonably accept the Amendment standing in the name of the hon. and learned Member for Dundalk (Mr. C. Russell), which he should be happy to move on behalf of that hon. and learned Gentleman, if he were not in his place when it was reached by the Committee.

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MR. HEALY said, he could perceive that the mind of the right hon. Gentleman the Prime Minister was open so far as this question was concerned; and he understood that the right hon. Gentleman required further evidence and time for consideration. He (Mr. Healy) was in a position to supply the right hon. Gentleman with plenty of evidence bearing on the subject, and would ask him if he was willing to grant a Select Committee to inquire into the question of "town parks" next Session, with a view to striking out the words relating to them from the Act, if the Report of the Committee was in favour of that course?

MR. GLADSTONE: As I have already indicated, I am not prepared to affirm that the present law bearing upon this subject is satisfactory. We regard the question as to the best means of dealing with this matter as open to consideration; but we may find it to be our duty to investigate it during the Recess.

Amendment, by leave, *withdrawn*.

On the Motion of MR. ATTORNEY GENERAL for IRELAND, Amendment made in page 27, line 8, after "let," by leaving out the words "and expressed in the document," in order to insert the words "by written contract of tenancy therein expressed."

Amendment proposed,

In page 27, line 11, to leave out "any cottage allotment not exceeding a quarter of an acre."—(Mr. Leamy.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL for IRELAND (Mr. LAW) was understood to say he did not, of course, know the exact view which the hon. Member (Mr. Leamy) took of the advantage which the agricultural labourer might derive from being able to go into Court; but the matter was open to question. He thought it would be safer to leave it to be dealt with in the manner proposed by his right hon. Friend the Chief Secretary for Ireland. The labourer in Ireland was not constantly employed on one farm, and, indeed, the less he was tied to one neighbourhood the better it would be for him. It was not thought desirable to give him a position as against the farmer; and, consequently, it was decided not to allow the operation of this Bill to apply to very small holdings,

at any rate, to less than half an acre of land.

MR. HEALY thought the labourer should be left alone to go to the Court or not as he pleased.

SIR JOSEPH M'KENNA thought the Government would do well to leave the clause as it stood. He asked his hon. Friend not to press his Amendment.

MR. MACARTNEY said, the adoption of the Amendment of the hon. Member (Mr. Leamy) would discourage persons who might otherwise be willing to let a quarter of an acre, because they would be creating an estate that it would be very difficult to manage.

Question put, and *agreed to*.

MR. BRODRICK said, he had understood that the right hon. and learned Gentleman the Attorney General for Ireland had expressed his intention of accepting the Amendment in his (Mr. Brodrick's) name, to substitute the word "half" for the word "quarter," as expressed in this sub-section. He hoped the right hon. and learned Gentleman would adhere to that view, because the Amendment was intended solely for the benefit of the agricultural labourer. As the Bill stood, it was impossible for the landlord to apply for the purpose of labourers' allotments more than a quarter of an acre of land, because he would, by giving a larger allotment, bring the letting within the operation of this Act. He (Mr. Brodrick) could point to two cases in which the operation of the landlords in respect to cottage allotments had been suspended since the Bill was introduced; and it would be most prejudicial to the labourers if landlords were thus prevented from placing them in a better position.

Amendment proposed, in page 27, line 11, to leave out "quarter," and insert "half."—(Mr. Brodrick.)

Question proposed, "That the word 'quarter' stand part of the Clause."

SIR JOSEPH M'KENNA hoped his hon. Friend would not press this Amendment. He did not believe that if the Bill remained in its present form, so far as this sub-section was concerned, that the holdings would be limited to a quarter of an acre. On the contrary, he believed they would be much greater, because he thought that the landlord would find it was to his interest to give

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the labouring class a position as well as the tenant class. It would undoubtedly be the case in the part of the country where he resided.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought that the Amendment should be agreed to, because the labourer could easily cultivate half an acre of land in his spare time; and it was undoubtedly to his benefit that the landlord should feel himself free to apportion more than a quarter of an acre.

Question put, and *negatived*.

Question, "That the word 'half' be there inserted," put and *agreed to*.

MR. GIBSON said, he had an Amendment on the Paper relating to minors, which, however, he should not move at that moment, in the hope that his right hon. and learned Friend the Attorney General for Ireland would consider the matter before the Report. The Bessborough Commission had reported that it was reasonable that in the case of land being let during the minority of the landlord there should be some power of contracting tenants out of the operation of the Act.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not see, at the moment, any reason for making the distinction suggested in the case of land belonging to minors, who were always pretty well looked after by competent persons. But he would consider the matter before Report.

Clause, as amended, *agreed to*, and *ordered to stand part of the Bill*.

Clause 47 (Saving of existing tenancies).

THE CHAIRMAN said, there were several Amendments raising the question whether a lease, which could be proved to have been obtained by force, might be varied by the Court or declared to be void, thus placing the lessees in the position of present tenants; and it would probably be convenient if the question were discussed as a proposed addition at the end of the clause, after the other Amendments to the clause had been disposed of.

MR. M'COAN said, he was willing to fall in with the suggestion of the Chairman that the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland should take pre-

cedence, although he (Mr. M'Coan) was bound to say that he preferred his own Amendment on the Paper to that of the right hon. and learned Gentleman.

MR. MACFARLANE said, that, as the object he had in view was covered by the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland, he did not intend to move the Amendment standing upon the Paper in his name.

On the Motion of MR. ATTORNEY GENERAL for IRELAND, the following Amendments made:—In page 27, line 12, leave out "tenancy," in order to insert "contract of the tenant;" line 15, leave out "act," in order to insert "section;" line 15, before the word "provision," insert "lawful."

Amendment proposed,

In page 27, line 19, after "act" insert "At the expiration of existing leases the lessees shall be deemed to be tenants of present ordinary tenancies, from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. GIBSON said, he had an Amendment of his own on the Paper; but he should not press it at that juncture. It was to introduce into the Amendment before the Committee, after the words "at the expiration of existing leases," the words "made since the passing of the Landlord and Tenant (Ireland) Act, 1870." The Amendment moved by the right hon. and learned Gentleman the Attorney General for Ireland was one which, although moved in the most concise form, and as if it were one of little or on importance, was, in reality, one of the most important Amendments proposing to introduce one of the most startling changes ever made in an important Government Bill. If there was one thing which more than another appeared to be tolerably plain to anyone reading the Bill for the first time—any clause that appeared to convey its own meaning with precision and clearness, it was the 47th clause. That clause was one which preserved intact and inviolate, governed by existing provisions, contracts that had been entered into between landlords and tenants, or between the representatives of landlords and tenants who had entered into them on

*Sir Joseph M'Kenna*

their behalf. The earlier part of the clause, before the Amendment proposed to be introduced by his right hon. and learned Friend, laid down as clearly and precisely as possible what should be the rights and positions of those parties; and, in point of fact, he (Mr. Gibson) was disposed to think that if the Chairman would examine with attention the earlier part of the clause, he would be disposed to rule that the Amendment of the right hon. and learned Gentleman was out of Order, for it was certainly entirely outside the meaning of the words of the clause antecedent to the Amendment. The words of the clause, as they now stood before the Amendment of his right hon. and learned Friend, set forth that—

"Existing leases shall remain in force to the same extent as if this Act had not passed, and holdings subject to existing leases shall be regulated by the provisions contained in the said leases and not by the provisions relating to the tenancies in that behalf contained in this Act."

If there were one thing that was absolutely clear about existing leases, it was that they all contained covenants to surrender in good order and condition at the termination of those leases, and he maintained that the Amendment was absolutely inconsistent with those covenants, because it said that notwithstanding their existence the tenant should hold on as if he were a present tenant. Therefore, he put it to the Chairman, as a matter of Order, whether the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland was not absolutely inconsistent with the words at the commencement of the clause as already passed? But it did not at all rest on what they all knew was contained in every lease drawn up in Ireland; but, under the statute of 1860—an Act called Deasy's Act—what should be covenants on the part of every landlord and tenant were provided for, and one of the covenants in every tenancy was a covenant on the part of the tenant to surrender and yield up at the termination of the lease the quiet and peaceable possession of the holding; and notwithstanding this and the clear provision of this section of the Bill in which the deliberate opinion of the Government was stated in the earlier portion, as framed by his right hon. and learned Friend, that the provisions of the lease were to have absolute and com-

plete vitality and vigour, the right hon. and learned Gentleman now proposed to provide that at the termination of the lease, instead of going away and allowing the landlord to resume his rights, the tenant was to be able to stay on, not in any doubtful position, not in the position of a future tenant, but in the position of a present tenant—that was to say, with an absolute right to walk into the Court for the purpose of having the rent revised, a process that would give him a tenancy of 15 years, and a constant right of renewal as often as he might please. So that this short and apparently innocent Amendment was to add to the duration of the longest lease at its termination, a provision nullifying one of its most important expressed covenants, and extending the term of tenancy as long as the tenant pleased, with the power of re-adjusting the rent as often as he might think proper at the end of every successive term of 15 years. Never was there a more distinct and flagrant violation of contract than was proposed by this Amendment, which would set aside the most solemn covenants and the most deliberate engagements as between man and man. He desired to point out to the Committee the necessity of making no mistake as to the second Amendment on the Paper in the name of his right hon. and learned Friend which proposed to deal with leases that might be regarded as unreasonable and inequitable. The present Amendment of his right hon. and learned Friend, was absolutely distinct from any suggestion of the kind contained in the second Amendment. It proposed to graft on all leases, no matter when made, nor how made, no matter how many important conditions were executed by the landlord, no matter how low the rent, it proposed to say to the landlord—"At the termination of your lease you must regard your tenant not as a man bound by covenant to surrender his lease, but as a man bound by this new confiscating provision to hold on if he pleases for terms of 15 years as often as he likes, with power to have the rent revised." He (Mr. Gibson) ventured to say that never was a clause more opposed to justice and common sense, nor more absolutely opposed to every other proposal of the Government than the Committee were entitled to regard as expressing the de-

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liberate opinion of the Government, attempted to be inserted among the provisions of any Bill. He thought he was entitled to say that on this measure his right hon. and hon. Friends and himself had offered nothing but moderate, temperate, and concise criticisms of the Government proposals. The alteration it proposed to effect in the Bill was one of a most serious and vital kind; and he held that it would have been a great deal more frank and manly, and would have presented the action of the Government in a more bold and independent way, if they had at once said, "We will strike this part of the clause out of the Bill;" because they were here producing an Amendment which killed the previous words of the clause, while at the end of the clause they proposed to introduce another Amendment that would intercept all the other leases that might have escaped the operation of the Bill. The Amendment of his right hon. and learned Friend was challenged in several ways. He was at present challenging the absence of discrimination in the Amendment with regard to leases. The Amendment dealt with all leases, no matter what their date, no matter what the conditions were as they were originally executed, whether they were executed before the passing of the Land Act of 1870, and before a knowledge of the provisions of that Act, or after 1870, with a knowledge of its provisions and what it sought to effect. That was a point that was not devoid of a broad significance; it was not a point that could be disregarded by anyone who was in the slightest degree acquainted with the history of the subject, nor by any man of common sense whether he was acquainted with the subject or not. The whole foundation of what was regarded as the tenant right of the Irish tenants outside of Ulster was rested on the claim to compensation for disturbance under the 3rd clause of the Land Act of 1870; and they had heard over and over again—in some cases from the right hon. Gentleman the Prime Minister, and in some others from the Chief Secretary for Ireland—that that clause, introduced for one purpose, was now made the foundation of proposals for another purpose—that having been introduced in 1870 not to found a tenant right nor a claim for joint ownership—a claim entirely repudiated in 1870 by

the Prime Minister—it was now to be acted on by the Prime Minister, as constituting, whether originally intended or not, a claim to tenant right. The foundation of what he (Mr. Gibson) called by courtesy the equity of this Bill rested on claims that were founded on the existence of a right to compensation under the 3rd clause of the Land Act of 1870. How, he asked, did that clause, which, as he had said, was made the foundation of the clause of this Bill, affect leases? It must be obvious to any man, he cared not whether educated technically or whether he regarded it by the strong light of common sense, that they must take into consideration what was the lease? A lease made antecedent to the year 1870 had absolute validity given to all its covenants under the old Common Law—that was to say, at the moment at which he spoke in respect of a lease made prior to 1870, the landlord was entitled to resume possession if he pleased, and no tenant holding under such a lease could, at its termination, have any right to ask for compensation for disturbance. This was a position that could not be gainsaid, denied, or questioned. It was not in accordance with common sense to treat a landlord having these rights as being in the same position as a landlord in the case of a lease made after 1870; and, therefore, Section 3 of the Act of 1870 made a broad and clear distinction. He did not know whether his right hon. and learned Friend the Attorney General for Ireland had considered this point. He believed that the moment the right hon. and learned Gentleman did bring his mind to bear on it he would alter the proposal to what would be just and fair; but he was curious to know how his right hon. and learned Friend would justify this common treatment of all landlords who started on entirely dissimilar conditions. He (Mr. Gibson) confessed that, at the present moment, he was entirely unable to see it. He believed that some hon. Members had intimated that the tenants, at the end of their leases, would find themselves placed in the position of future tenants. That was the modest way in which it was at first put—and anything might be called modest in comparison with what came afterwards; but after the speech that had been made by the Prime Minister one day, and recalled

*Mr. Gibson*

the day after, the suggestion as to a future tenancy vanished, and the idea of a present tenancy was developed; and they now found it stated in the Amendment that, at the termination of his lease, a tenant was to be regarded as a present tenant. He should like to hear from his right hon. and learned Friend the Attorney General for Ireland how he proposed to justify a broad proposal like this, which made no discrimination or distinction whatever. His right hon. and learned Friend, who had moved the Amendment in about two minutes, had justified it by what had been already done under a judicial lease, and according to the usage prevailing in Ireland. Surely, each of the inferences of his right hon. and learned Friend was destructive of the argument he had sought to rely upon. A judicial lease could only be entered into after the passing of this Act by the landlord with a full knowledge of what he was doing, and on the actual determination of the judicial lease; he was warned by the section that a certain class of tenants who would be called into existence by it would be present tenants. Where, he asked, was the analogy? The landlord, in the case of a judicial lease, acted with his eyes open at the outset; but after they had said to the landlords, who might have made leases of 40 years, or whose ancestors might have made long leases before them, that at the end of the lease the lessee would be a present tenant, he wanted to know where the analogy could be? He was told that another argument was to be based on what was largely the usage in many of the counties of Ireland. They all knew that the charges that had been made against the landlords had faded away and melted into thin air, and now the good-natured way in which they had treated their tenants was to be used as a weapon against them; and that, whether they liked it or not, they would be compelled to see their property transferred from them to their tenants. In conclusion, he wished to know how the Government could justify the application of the same drastic measures to all cases, regardless of the date and conditions, or bases of the rent, of the improvements effected by the landlord, and of every kindness and consideration they might hitherto have shown their tenants?

LORD RANDOLPH CHURCHILL said, he would like to offer a suggestion, and ask the impartial ruling of the Chairman on a point of Order. The clause said—

"Any leases or tenancies existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which existing leases and tenancies (except as aforesaid) are in this Act referred to as existing leases, shall remain in force to the same extent as if this Act had not passed."

Then came the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland, which said—

"At the expiration of existing leases the lessees shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents, and subject to the conditions, of their leases respectively, so far as such conditions are applicable to tenancies from year to year."

If the first part of the Bill were to remain, and to be regarded as sense, the tenancy must be "as if this Act had not passed;" and he would ask whether the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland was absolutely in Order?

THE CHAIRMAN pointed out that what had apparently caused some confusion in the understanding of the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland was that it ought to have been placed two words later, after the words "Provided that." He understood that all the conditions, &c. of leases were to remain as if this Act had not been passed, and that this should be a Proviso—an exception.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would amend his Amendment by moving that it be inserted after the words "Provided that."

Question, "That the said Amendment be inserted after the words 'Provided that,'" put, and *agreed to*.

Amendment proposed,

In page 27, line 19, after the word "Act," to insert the words "Provided, That, at the expiration of existing leases, the lessees shall be deemed to be tenants of present ordinary tenancies, from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON moved, after the words "at the expiration of existing leases" in the proposed Amendment, to insert

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the words "made since the passing of the Landlord and Tenant (Ireland) Act, 1870."

Amendment proposed to said proposed Amendment,

In line 1, after the word "leases," insert the words, "made since the passing of 'The Landlord and Tenant (Ireland) Act, 1870.'"—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

LORD RANDOLPH CHURCHILL said, he was bound to say that the argument of his right hon. and learned Friend (*Mr. Gibson*) against placing the lessee of an expiring lease in the position of a present tenant was absolutely unanswerable; but he (*Lord Randolph Churchill*) was also bound to say that he could not follow the right hon. and learned Gentleman in the distinction he had drawn between leases made since the Act of 1870 and those that were made before the passing of that Act. Under the Act of 1870 they had invited the landlords to give leases to the tenants, and certainly of the two the leases made since the Act of 1870 were deserving of most consideration.

MR. GIBSON said, he had been dealing with a technical distinction between the two.

LORD RANDOLPH CHURCHILL said, he certainly thought the proposal of the right hon. and learned Gentleman the Attorney General for Ireland very unfortunate, as it was copied verbatim from one standing on the Paper in the name of the hon. Member for Wexford (*Mr. Healy*), and it was evident that it was never intended by Her Majesty's Government when they brought in the Bill. Of course, if the hon. Member for Wexford was to be the draftsman of this Bill, hon. Members who thought with him (*Lord Randolph Churchill*) must resign themselves to it; but, with all deference to the ruling of the Chairman, he still thought the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland was out of Order. The Amendment he (*Lord Randolph Churchill*) had to move was to amend the right hon. and learned Attorney General for Ireland's Amendment by adding, after the word "leases" the following words:—

"At the expiration of existing leases, with the exception of all leases which at the date of the passing of this Act have fifteen years to run."

*Mr. Gibson*

Irish leases were nearly all for 30 years and upwards, and by making that Provision they would only be doing an act of justice. Let them take the case of leases drawn up only the other day for a term of 30 years; there would be less than justice in the proposal of the right hon. and learned Attorney General for Ireland. He did not know whether the right hon. and learned Gentleman would press his Amendment; but if he did not, or it was not carried, he should ask the Government to kindly consider his Amendment, making some provision for leases which, at the date of the Act, had 15 years to run.

COLONEL COLTHURST said, he had to remind the right hon. and learned Gentleman (*Mr. Gibson*), who had stated that the proposal as to leases had come on the Committee by surprise, that the moment the Bill appeared the exclusion of leases was the subject of universal complaint in Ireland. Nearly every Irish Member had mentioned the exclusion; and the Prime Minister, though he gave no pledge, admitted that the question deserved consideration, and promised to reserve it for consideration, without saying how he would deal with it. He therefore thought the Irish Members had no right to complain of a surprise. As to leases, the right hon. and learned Gentleman the Attorney General for Ireland had allowed the justice of making present tenants of those who had got leases since 1870. [*Mr. Gibson: That is quite a mistake.*] The right hon. and learned Gentleman appeared to do so. Was it the fact that leaseholders who received their leases since 1870 had no just cause of complaint? In 1868-9 a great number of leases were forced on the tenants, with the knowledge that the Act of 1870 was coming on. In the county of Cork, on an estate where leases had never been given, the tenants went to the Bessborough Commission and declared that in 1869 they were obliged to take leases with an increased rent, and those who refused to take them were fined by increased rents. The right hon. and learned Gentleman (*Mr. Gibson*) had stated that it would be very unjust, if a good landlord who had made improvements should, at the expiration of a tenant's lease, be subject to the hardship that the tenant should be placed in the position of a present tenant. How

was it unjust? Suppose a tenant with a 21 years' lease had made improvements, would not the landlord have his remedy at the expiration of the lease? Would not the Court take into consideration the improvements in fixing the rent? If the tenant sold his interest, would not the Court take into consideration the improvements made by the landlord? What injustice would be done? Take the other case. Suppose the Government had not made this concession. If leaseholders were to be left without protection after the expiration of the leases, there would be in every district in Ireland a certain number of discontented people considering themselves excluded from the benefits of the Act, and a chronic state of discontent would have been created. He felt bound to express his gratitude to the Government for making this concession, and he felt certain that no concession made in the Bill was of more value, or more likely to make this Bill a great and beneficial measure.

Mr. MARUM said, it was known in Ireland that there were a species of leases for lives with covenants for perpetual renewal. They practically contained a specific provision for renewals; but those provisions had been broken through. The Courts had, however, enforced specific performance of them in the case of solemn contracts under seal. What they held was to be looked at was the security of rent to the landlord. The Courts of Equity had acted in that way in Ireland—the practice was not known in England—and the Tenantry Act of 19 & 20 Geo. III. declared that if leases contained solemn contracts and specific covenants, on the fall of lives certain renewals should be claimed; and not only had the Courts enforced that, but the Ulster Tenant Right Act had rehabilitated these proceedings, and declared that renewals should be had. He referred to this because it would appear from what the right hon. and learned Gentleman (Mr. Gibson) had said that there were very startling proposals made to change these leases. The new Court would be a Court of Equity, and the object of that Court would be to secure landlords in their rents, and a continuance of the leases on their expiration. It was practically the custom in Ireland that on the expiration of leases the tenants not only held on, but were allowed to hold on; and he held

that it would be only a natural sequence to carry that on and deal with tenancies from year to year in the same way as if there were no leases.

Mr. GIBSON thought the hon. and gallant Member for Cork County (Colonel Colthurst) was under a misconception. He (Mr. Gibson) had stated throughout that he was anxious to elicit as early as he could some explanation from the right hon. and learned Attorney General for Ireland as to the indiscriminate way in which these leases were treated. He should ask permission to withdraw his Amendment; but he wished for an explanation as to the difference between himself and the right hon. and learned Gentleman.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) observed that if the lettings were from year to year they would be present tenancies within the meaning of the Bill, with all their incidental advantages. The fact that leases ran for a certain definite number of years did not, in his opinion, make any difference so far as the present point was concerned; and his observation applied alike to leases made before and after 1870. It would be manifestly useless for a landlord to get hold of farms of a few acres, each scattered over the face of the country. What could he do with them? They would only run to waste and go back to their original condition. Accordingly, they found in Ireland that usually, if a landlord thought of resuming possession of a farm from a tenant, he put someone else into it as tenant. But almost universally at the termination of a lease, the lessee remained in undisturbed possession, though there was commonly a re-arrangement of the rent. The landlord, in fact, knew he would get a better rent from the occupying tenant than from anyone else, and almost always so dealt with him. He thought the explanation of the right hon. and learned Gentleman that he had only moved his Amendment to obtain an explanation hardly squared with his somewhat fierce onslaught on the proposals of the Government.

Mr. MACARTNEY said, that when the Bill was introduced he had asked the right hon. and learned Gentleman the Attorney General for Ireland whether it provided that on the expiration of a lease the tenant right of Ulster should be continued, and the tenant be considered a tenant from year to year.

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The reply was that it did, and now the provision appeared to have been introduced in the Bill. He could not forget that in the last Parliament a Bill was introduced establishing this principle in Ulster by the hon. Member for Downpatrick (Mr. Mulholland), and a similar Bill introduced by the noble Lord who then represented the County Down (Lord Arthur Hill-Trevor) was defeated in the House of Lords. Also, in company with the hon. Member for Derry (Mr. Lewis), he (Mr. Macartney) himself had introduced a Bill in which there was a clause to the same effect as this, so far as Ulster was concerned. He thought there should be no difference between one part of the country and another.

Amendment to said proposed Amendment, by leave, *withdrawn*.

SIR STAFFORD NORTHCOTE: I do not rise to propose any Amendment, but to say one or two words on what I consider to be the position of this question; and if my advice be taken, I would suggest that we had better take issue on the words proposed by the right hon. and learned Gentleman the Attorney General for Ireland. These questions are a good deal complicated, and the real point we have to consider is whether this new proposal of the Government is one which can be accepted or not? My right hon. and learned Friend (Mr. Gibson) spoke with regard to a distinction between particular classes of tenantry—those created before, and those created after, the Act of 1870; but the bulk of his argument pointed to no distinction being made, and I agree with my noble Friend (Lord Randolph Churchill) that it is desirable we should take issue on the broad ground of whether this change of front ought to be allowed, and whether any sufficient grounds have been shown for it. What I would point out with regard to this Bill is that it was introduced upon a certain frame-work, for the purpose of making certain changes, but, at the same time, of saving certain conditions of tenantry which already exist; and, as we understood, the case of leases was exactly the case which was to be left out, because it had been already regulated. If we now accept this clause, with the Amendment proposed, and the other Amendment to be proposed by the right hon. and learned Gentleman the

Attorney General for Ireland, you will exactly turn the clause inside out. It will not be merely that you will make the clause of no effect—as you have made the Emigration Clause of next to no effect—but you will turn the clause upside down. It is a sort of Trojan horse, introduced under cover of being a supporter of the lease system, and is turned to the entire overthrowing of existing leases, and leases which are in a condition in which holdings under leases are to exist when the leases have run out. It seems to me that we have had no ground whatever given for this change of front, except that when the clause was introduced in the form in which it stands, there was a great outcry in Ireland against it, and a desire to enlarge it and bring everything into it; but the Government, as they have proceeded with the Bill, have been led to entirely change their position with regard to these leases, and, in effect, to knock them on the head. Considering that we have for so many years been desirous, by legislation, by precept, by exhortation in every way, to induce landlords and tenants to make reasonable and binding arrangements, and that arrangements have been made to give the security which is needful in Ireland, to turn round and destroy the leases in this way is the most insensate thing that can be conceived. For my part, I would recommend that instead of attempting to omit this clause, or to introduce different words, we should endeavour, so far as we can, to put in our protest against this change, and, as far as we can, to hold the Government to the clause as it originally stood.

LORD RANDOLPH CHURCHILL said, he thought the right hon. Gentleman (Sir Stafford Northcote) was certainly right in saying that they ought to protest against this clause, and divide upon it. He considered that the clause as it stood might work harshly in the case of tenants whose leases fell in very shortly after the passing of the Act. He suggested that it should be amended; but would not admit that the form of Amendment proposed was the one best suited to remedy the complaint, which had foundation in fact, for it could not be suggested that tenants holding under leases were in the same position with others who held from year to year. He wanted to ask the Government whether they meant to say that all tenants hold-

*Mr. Macartney*

ing under leases at present were in exactly the same position as the yearly tenants at the present moment, or whether they drew a distinction between tenants whose leases terminated within a short time of the passing of this Bill and those whose leases would not terminate for a good many years. To ascertain that he would move the Amendment to which he had previously referred.

Amendment proposed to said proposed Amendment,

After the first line to insert "With the exception of leases which, at the date of the passing of this Act, have fifteen years to run."—(Lord Randolph Churchill.)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, the Government did not say that the position of a lease which had 15 years to run was exactly the same as one having 100 years to run; but there was no difference between one and the other, and in point of policy it would not be expedient to create such a difference.

Amendment, by leave, *withdrawn*.

MR. GLADSTONE: I will now do what I would not do before and notice the speech which we heard just before the last Amendment was moved. It is a matter of long and constant observation in this House that whenever an hon. Member or a right hon. Member is dealing with opponents who are proposing some proposition which is new, and he finds it difficult to adduce sufficient arguments against it, he always endeavours to damage and discredit it by calling it a change of front. I observe that my right hon. Friend opposite (Sir Stafford Northcote) three times, in the course of a short speech, described this Amendment as being a change of front, and from that three-fold repetition I gathered that he found it not so easy to bring forward substantive objections to the proposals of the Government. As to a change of front, I need not say that is a phrase which has come sometimes from one quarter and sometimes from another. It is a perfectly fair weapon of Parliamentary warfare; but it is not to be expected that such old stagers as we are, are to be influenced by whatever force of argument may seem to be latent in the phrase. The observations of my right hon. Friend were very strong. I do not remember all the phrases he used; but he described the proposal as

an entire overthrow, as reducing to nullity and absolute destruction and defeat all the covenants the leases contain, and he described it as an insensate thing. Of that I make no complaint; but is it an insensate thing, and does it overthrow existing leases, and what is the fundamental notion of leases in Ireland? The grounds upon which we justify this proposal are—first of all, the grounds of custom of the country, and, secondly, general equity. With regard to surprise, I think that argument can hardly be maintained, because, on the second reading of the Bill—and that was the first time upon which the Bill was discussed—I myself spoke of the state of the case with regard to leases in these words—

"In the same way, another bye-question which we have considered, and the result of which consideration appears in the Bill—but it may be worthy, notwithstanding, of further consideration—is the question of current leases."—[3 *Hansard*, cclxi. 590.]

Therefore, that distinctly left the matter open for further consideration, and I do not scruple to say there were various points of considerable importance—for example, arrears—with regard to which we felt that we could better approach such knotty questions after these main issues had been settled, than if we treated them as merely affairs to be disposed of by the Cabinet, and therefore we deferred them. First of all, let it be understood that this charge that this is an absolute overthrow of the covenants of existing leases and a nullification of the clause itself depends wholly upon a certain assumption as to what leases are understood to be in Ireland. According to the right hon. Gentleman a lease is understood to be a covenant that at the end of a certain number of years the man shall go out. But there we raise an issue of fact, and we contend that that is not so. A lease is understood to be a covenant for fixing a certain rent for a certain number of years. I mentioned in a former discussion a description of a lease given 40 years ago, and the ideas prevailing in Ireland, of a case where a man holding a lease for his own life bequeathed his interest in it. That being our opinion, and if that be the view of leases in Ireland, then the allegation from the opposite side is deprived entirely of all foundation. But then, beside the custom of the country, and the established traditional and al-

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most universal view in Ireland as to leases, we stand upon general equity, and collaterally, I may observe, that unless I am mistaken, a Bill was introduced into the last Parliament by an hon. Member who is now opposed to us, which distinctly recognized that at the termination of a lease in Ulster the whole interest of the man in the lease was to be kept intact. Though I have not seen the letter, I have been credibly informed—and if I am wrong I can be easily undeceived—that shortly before the General Election the Leader of the Opposition wrote a letter, in which he approved of the principle of that Bill as sound. If the principle of that Bill was sound, it will defy the ingenuity of an hon. Gentleman who admitted the soundness of that Bill to show that the Amendment of my right hon. and learned Friend is unsound. We stand upon general equity as well as upon the custom of the country, and with regard to general equity, how does the matter stand? This is a question not subject to dispute, and it is one where, in my opinion, the conclusion to be drawn is that of general equity, and the fair spirit in which we should all endeavour to approach this question; and on these grounds I think the Government can well maintain the proposal they make. As to the case of the leases made before the Act of 1870, if our proposal with regard to them is defensible, it is *a fortiori* defensible with regard to those made since 1870. I will take one of these leases, and what has happened? I will take a lease made 30 or 40 years ago. At that time the Irish tenant from year to year had no defence at all; he was completely open to the action of the law, which was constructed, not upon a fair balance of interest between the tenant and the landlord, but entirely in a sense favourable to the landlord. Under those circumstances, the tenant, thankfully perhaps, accepted in exchange for a state in which he had no defensive provision, a state under which he had a defensive provision, which was that the rent would not be raised for a certain number of years. That was the state of things he exchanged for his lease; that was the footing upon which he made his bargain. But in 1870, and now again in 1881, we have entirely changed the position of the Irish tenant, and have endeavoured to invest him, first with a right to full compensation

for improvements, then to compensation for disturbance, and now the right to sell his interest in his holding, with provision against an arbitrary increase of rent, and, as a climax to the whole, with the power of going to the Court. So that while this man had been, as it were, in a stagnant state of existence, we have completely changed and advanced from a position of defencelessness to a position strongly fortified by legal rights—namely, the position of a tenant from year to year. Is it inequitable, under these circumstances, to say there is no reason to show why the man, or the representative of the man, who so took a lease 40 years ago in exchange for what was then the position of a yearly tenant, should be deprived of all the benefits, or any portion of the benefits, to be conferred upon present tenants by this Bill. Where would he have been? What is the answer? That he has had the benefit of the lease. The force of that answer depends on whether the lease is an injury to the landlord; but we have never supposed that, but that it was an advantage to both parties, and in no sense an injury to the landlord. In that case I must say that upon a mature and careful consideration of the interest of this class of persons, setting aside the main stream of motives which dictated this Bill, we are clear in the conviction that it would be most hard that in the case of a yearly tenant who had changed his position when he was in a totally different state of things 40 years ago, we should say to that tenant—"Without any fault of your own, and without having anything to allege against you, we shall exclude you from any of the benefits which, if you had continued a yearly tenant, you would now receive."

Question put.

The Committee divided :—Ayes 244; Noes 139: Majority 105.—(Div. List, No. 314.)

It being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

House suspended its Sitting at five minutes to Seven of the clock.

House resumed its Sitting at Nine of the clock.

*Mr. Gladstone*

## LAND LAW (IRELAND) BILL.

## Progress resumed.

Clause 47 (Saving of existing tenancies).

MR. VILLIERS STUART said, he wished to move an Amendment to the effect that, in such leases, no clause imposing a penalty upon the building of labourers' cottages in any farm exceeding 25 acres should be deemed valid. His object in moving that was to render null and void all such clauses, as being contrary to public policy, and throwing an unfair amount of poor rate upon the small towns, and as leading to great waste of the labourers' strength by compelling them to walk long distances to their work. That point was strongly insisted upon by the deputation that waited upon the right hon. Gentleman the Chief Secretary for Ireland at the Irish Office the other day; and he (Mr. Villiers Stuart) had had many communications from people in different parts of Ireland in regard to it. He trusted, therefore, that the Government would favourably receive the Amendment, or some modification of it. The persons who inserted such clauses in their leases were entitled to little consideration, because the motive for inserting them was generally to evade their just obligations—to avoid the duty of supporting in sickness and old age those labourers who had devoted their lives to working upon their properties.

## Amendment proposed,

In page 27, line 19, after the word "Act" insert the words "Provided also, that in such leases no clause imposing any penalty upon the building of labourers' cottages on any farm exceeding 25 acres shall be deemed valid."—(Mr. Villiers Stuart.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not see how these words could come in at that point; and he was afraid, if they were to be adopted at all, they must assume the form of a new clause. He did not know that he should be able to accept the Amendment at any time; but certainly it could not be accepted here.

MR. VILLIERS STUART said, he understood that the Amendment had been postponed as a matter of convenience until the Amendment proposed

by the right hon. and learned Gentleman the Attorney General for Ireland had been disposed of.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Amendment which he had proposed, and which had been carried, was a mere declaration as to what would happen when the lease had expired. The present Amendment should have been moved earlier in connection with these words.

MR. VILLIERS STUART: I had given Notice of the Amendment, and it was not my fault that I did not move it before.

THE CHAIRMAN: Does the hon. Gentleman withdraw the Amendment?

MR. VILLIERS STUART: There seems to be no other alternative. I withdraw it with great regret; but I hope to have an opportunity of bringing it in again on Report.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had a verbal Amendment to propose—namely, after the word "year" in the last Amendment, to insert the word "and."

Amendment proposed, after the word "year" in the last Amendment, insert the word "and."—(Mr. Attorney General for Ireland.)

Question, "That the word 'and' be there inserted," put, and *agreed to*.

Amendment proposed, in page 27, line 19, after the word "Provided," insert the word "also."—(Mr. Attorney General for Ireland.)

Question, "That the word 'also' be there inserted," put, and *agreed to*.

MR. MACFARLANE said, he did not propose to move the Amendment which stood in his name, as the proposal of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. LAW) had superseded it.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the next Amendment, which stood in his name, was to enable the Commission to deal with leases which appeared to have been forced upon tenants after the passing of the Act of 1870, as the Prime Minister had expressed it, "in fraud" of the Act, and contrary to its real spirit. It was stated that there were a number of cases

where such things had happened—and where tenants would be deprived of the benefit of this legislation by having had forced upon them leases which could not be regarded as other than improper and unfair; and this, if it had occurred, would be admitted to have been a most inequitable proceeding on the part of the landlords. The Amendment which he was about to propose was guarded in its language; it dealt with cases where a tenant had been forced to take a lease, the landlord seeking thereby to deprive him of the benefit of the Act of 1870. The clause ran as follows:—

"In any case in which the Court shall be satisfied that since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,' the acceptance by a tenant from year to year of a lease of his holding containing terms which, in the opinion of the Court, were at the time of such acceptance unreasonable or unfair to the tenant, having regard to the provisions of the said Act, was procured by the landlord by threat of eviction or undue influence, the Court may upon the application of the tenant made within six months after the passing of this Act, declare such lease to be void as and from the date of the application or order, and upon such terms as to costs or otherwise as to the Court shall seem just: and thereupon the tenant shall as and from such date be and be deemed to be the tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease."

They assumed in this particular case that the lease was destroyed and gone, and that the tenancy was a simple tenancy. He did not think any hon. Member on the opposite side could object to the Amendment, because it was merely an enabling one, one which would enable cases to be dealt with when they presented themselves, and the tenants could bring forward proof. A number of cases were stated before the Royal Commission, and although hon. Members knew very well that these statements made by tenants, who were not examined on oath, were not always to be taken as literally accurate, and though there might not be very many cases of extreme hardship, there might still be plenty of reason why a safeguard of this description should be adopted. Where such a case as that contemplated by the Amendment was proved, no Member of the Committee would say that the lease ought not to be set aside. The landlord was fully protected, and it was only in the case of gross hardship or fraud that the relief would be given.

*The Attorney General for Ireland*

#### Amendment proposed,

In page 27, at end of Clause 47, to add the words "In any case in which the Court shall be satisfied that since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,' the acceptance by a tenant from year to year of a lease of his holding containing terms which, in the opinion of the Court, were at the time of such acceptance unreasonable or unfair to the tenant, having regard to the provisions of the said Act, was procured by the landlord by threat of eviction or undue influence, the Court may upon the application of the tenant made within six months after the passing of this Act, declare such lease to be void as and from the date of the application or order, and upon such terms as to costs or otherwise as to the Court shall seem just: and thereupon the tenant shall as and from such date be and be deemed to be the tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there added."

Mr. M'COAN said, he heartily supported the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland, though it did not go so far as another Amendment in the same sense which he (Mr. M'Coan) had put on the Paper before it. The Amendment he had proposed was as follows:—

"Before 'any' to insert 'all leases of agricultural holdings executed since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,' which can be proved to the satisfaction of the Court to have been forced upon the tenants now holding under them, shall, upon application by the tenant, be subject to review by the Court; and if their covenants in regard to rent or otherwise should appear to the Court to be inequitable or oppressive, they may be varied as to the Court shall seem just, or the leases may be declared wholly void, and in all cases of such avoidance the tenants shall thereupon become present tenants under this Act."

The right hon. and learned Gentleman the Attorney General for Ireland's Amendment, however, would substantially do justice between the Irish landlord and tenant; and he (Mr. M'Coan) would, therefore, waive what he should be inclined to ask for as a measure of equal justice in the case. It might be imagined by some English and Scotch Members, who were not thoroughly conversant with the state of things in Ireland, that there was, at the best, only a sentimental ground for the Amendment. When the discussion, which was somewhat prematurely forced upon the Committee some three weeks ago by the hon. Member for Wicklow (Mr. Corbet), was going on, the hon. Gentleman adduced

in support of his Amendment a lease granted on the property of Earl Fitzwilliam, and it was recognized that that lease made out rather an insufficient case for an appeal to the Committee for a concession. Earl Fitzwilliam was admittedly one of the best landlords in Ireland; in fact, so good a landlord was he, that the hon. Member for the City of Cork (Mr. Parnell) admitted that his tenants had not joined the Land League, and that was, perhaps, the best proof they could possibly have that these people had no substantial hardship to complain of. But he (Mr. M'Coan) had to complain of a lease granted in the same county by a Home Rule landlord, which, he thought, illustrated the case put before the Committee by the right hon. and learned Gentleman the Attorney General for Ireland; and he did not think he could better support the appeal now made to the Committee than by shortly quoting a portion of a letter which he had received from the tenant holding the lease in question—a letter which was eloquent in its simplicity. The writer said—

"I will tell you the history of my lease as briefly as I can. I came into possession of this land about 20 years ago by marrying the widow of a former owner, the family having been in occupation of it for centuries."

It seemed to be a lease of lives, and the last life had died out in July, 1875. The writer went on to say that the interest in the farm passed to the son of the previous tenant, whose widow he had married, and from that son he bought the remainder of the lease. The writer went on to say—

"The land had previously been let under the old lease at £1 10s. per acre; but the landlord, immediately on the expiration of the lease, sought to raise it to £1 17s. 6d. per acre. The landlord called on me, and said unless I would give this amount he would have me turned out immediately. I explained that the land could not possibly bear so heavy a rent, and that I must ask him to reconsider the high charge to be made on it. He said he would do so, and see me again about it. However, he did not himself see me again; but I was told that I must see the agent. When I saw the agent, he said no change would be made, but I must pay on the new lease for 31 years the increased rent of £1 17s. 6d. I thought I must pay, else I should be evicted; and I remembered my delicate wife and my helpless children, and, unfortunately, I accepted the lease on these terms. I told him several times afterwards that I did not want the lease, as I should never be able to pay the amount he asked. He said I should take the lease, or a certain person"—

mentioning a well-known lawyer in Dublin, whose name he (Mr. M'Coan) would not state—

"would compel me to do so. I have paid the rent so far, and am otherwise sunk in debt in doing it; and the farm will not at all bear the rent I am forced to pay."

That was a sample of a dozen letters he had received from tenants in the county of Wicklow; and he had reason to believe that cases of that kind could be quoted, not by the score, but by the hundred, since the passing of the Act of 1870. In nearly every case the screw was put upon the tenants, with the alternative of eviction. That being so, he thought it was not an unreasonable thing for the Irish Members to make an appeal to the equity and sense of justice of the Committee, and to ask them to give the Land Commission the alternative power, either of reviewing the provisions of these leases and varying their covenants, whether with regard to rents or otherwise, or to declare the leases in question wholly void, and place the tenants in the position of present tenants. As he had said, the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) did not go quite so far as he should have proposed. In the interest of the Irish tenantry, he should have been glad if the right hon. and learned Gentleman had been prepared to go a little further; but, under the circumstances, as a Representative of the County of Wicklow, he very gratefully accepted the Amendment. It would do a large measure of justice to a considerable class situated as he had described.

THE CHAIRMAN: There are a large number of Amendments to this proposal, and these will all have to be called before we get into a general discussion.

MR. GIBSON said, that in the absence of the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) he would move the next Amendment. It would not be candid of him if he did not say, whether the words were accepted or not, he should feel bound to give his reasons more in detail against the whole Amendment by-and-bye.

Amendment proposed, to Mr. ATTORNEY GENERAL for IRELAND's Amendment to Clause 47, in page 27, at end, line 1, after "satisfied," insert "by sufficient evidence."—(Mr. Gibson.)



Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment.

Amendment *negatived*.

Mr. HEALY moved to leave out the words "since the passing of 'The Landlord and Tenant (Ireland) Act, 1870.' " He was very glad indeed that the right hon. and learned Gentleman the Attorney General for Ireland had moved his Amendment, and he thought it would go a long way towards giving satisfaction in Ireland. But why they should have stopped at the Land Act of 1870—[Mr. GIBSON: Hear, hear! ]—he was glad to have the approval of the right hon. and learned Member for the University of Dublin—was what puzzled him. There was nothing sacred in parchment and sealing wax. A contract between any two individuals was just as holding and as binding if made in words as it would be when put upon paper; and it was not because a man wrote on parchment and then stamped it with sealing wax that the agreement acquired anything of a more sacred or sacramental character. Therefore, why leases should be supposed to be documents incapable of being broken more than any other form of contract was a thing he was unable to see; and it was charming to think that in submitting the Amendment he had the support and approval of the right hon. and learned Gentleman the Member for the University of Dublin. This was a matter upon which it was desirable that there should be a good deal of evidence. Though it was true that since the Act of 1870 there had been more inducements to insist on taking a 31 years' lease in order that there might not be compensation for disturbance, still there had been great inducements to force on leases before the Act of 1870. No doubt, since the Act of 1870 there had been more unjust leases than at any other time forced upon tenants; and he could appreciate the position of the Government, which he took to be this—that as it was by their Act of 1870, and this stupid proposal as to a 31 years' lease that this unfortunate state of things had been brought about, they would redress the wrong they had done in 1870, and propose the Amendment. That was a fair position; but if they were once for all to settle the Irish Land Question,

why should they not do it thoroughly? It was admitted that unfair documents had been imposed on tenants previous to the Act of 1870. Anyone who went through Ireland would discover many pieces of parchment in the possession of the peasantry containing the most extraordinary covenants—for instance, there was Campion's compound lease. The Duke of Argyll the other night had taken to task the evidence of one of the County Court Judges as to the case of Mrs. White. His Grace had also found fault with the evidence of Professor Baldwin with regard to Mrs. White's property, and he stated that he had gone into the case, and had failed to find any hardship at all. Well, he (Mr. Healy) had spoken to these poor people himself, and he had been shown a letter which had been sent by the agent to the tenants, and it was to this effect—"John So and So, if you do not accept the lease I give you now,"—this being a £10 increase—"within so many hours I shall insist upon your taking a lease at £40," thereby doubling his rent. It had been proved, in spite of the Duke of Argyll, that the improvements made by these unfortunate people were such that, in the opinion of a civil engineer who had gone over the property, they could only have been effected at the cost of most extraordinary exertions on the part of the tenants. The improvements were made on a desolate seashore covered with rocks, and, in spite of the barrenness of the land, smiling cornfields and crops of potatoes were now to be found on it. But the moment the extra rent was put upon the tenants they stopped making the improvements; and in a letter which had appeared in reply to the statement of the Duke of Argyll, the writer said he had been over the property in question, and he had seen, on the one hand, a field of corn growing fast to ripeness, and within two or three feet of it, on the other hand, a miserable barrenness. The tenant of the land, when questioned upon the subject, had said that he had been stopped in the middle of his improvements by having a lease of this kind forced upon him. It seemed to be a very hard thing that they should leave out of sight the unprotected condition of the tenants of Ireland before 1870, and only redress the grievance which had been caused since that year. It seemed to him that if a man had suffered from a grievance in 1869 he

had as much right to have it redressed as if the grievance were inflicted in 1870. He could not understand how they could draw a line in this way, because it was altogether without principle. If the Government could not accept the Amendment, they would do well to make some offer, such as that they made to-day on another question, which was a very fair offer. He had read a good deal of the evidence given before the Bessborough Commission; but that inquiry was directed, it seemed to him, more or less as to the defects in the Land Act of 1870. He had considered very narrowly what had taken place before 1870, and he had failed to find much in the evidence bearing upon that condition of things. He thought it would be fair to demand this—that if they could establish to the satisfaction of the Government that a sufficient number of cases of harsh leases in Ireland prior to the Act of 1870 existed, the Government should make some inquiry into the matter; that they should promise, as they did in the case of town parks, to make inquiry, and, if necessary, redress the grievance. That was a fair thing to ask. It might be that in former times landlords dealt fairly with the tenants, and had given them leases on equitable terms; and he did not see why they should claim an advantage for the tenants and exclude the landlords from participating in it. He would deal fairly and squarely with both, and would urge the Amendment as much in the interest of the landlord as of the tenant. What they wanted was justice; and he would, therefore, ask the Government not to limit the Amendment to 1870. If they were disposed to limit it at all, he would ask them to adopt 1869 as the limit, for the reason that in that year the landlords knew that the Land Act was about to be passed; and many of them had, no doubt, been tempted to anticipate the measure by forcing from the tenants the best terms they could get. No doubt the landlords, when the Act made its appearance, were very much relieved. They had not expected, when the right hon. Gentleman (Mr. Gladstone) got into power, that the Act of 1870 would have been of such a mild character. In 1869, many of the landlords insisted upon their tenants taking leases that they dictated, and it was only a moderate demand to ask that the Amendment should go back to 1869.

Amendment proposed to Mr. Attorney General for Ireland's Amendment,

In line 1, leave out "since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,'" and insert "every tenancy to which this Act applies shall be deemed a present tenancy until the contrary is proved."—(Mr. Healy.)

Question proposed, "That the words 'since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,'" stand part of the said Amendment."

Mr. O'SHEA said, he had taken great interest in this matter, and he believed that there was no question which was looked on with more interest by the Irish people generally than that of leases. He was very glad to have heard such an eloquent description of the state of affairs with regard to leases as they had heard from the Prime Minister; but he thought all the right hon. Gentleman's arguments tended to prove that they ought not to leave out of the remedial provisions of this Bill the case of tenants suffering under very serious disabilities at the present moment, merely because the leases of those tenants were dated previously to 1870. These men would feel their position very much more bitterly when they saw not only tenants from year to year, but tenants who held under leases since the year 1870, helped in the manner that this Bill proposed to assist them. The measure was, no doubt, a very great one, and the Prime Minister had said that they must look to this matter of leases from the point of view, generally, of equity and public policy. Well, as the hon. Member for Wexford (Mr. Healy) had said just now, he could not see the difference between the condition of the tenants on whom leases were forced in 1869 and that of tenants on whom they had been forced since the Act of 1870. No doubt, a great many landlords had insisted upon the tenants accepting their terms in 1869, in anticipation of the Land Act. It was within his personal knowledge that there were many cases of leaseholders in Ireland who had had their leases forced upon them long before 1870, and these were people who were in a much worse condition than those who had accepted unfair leases since 1870, because no one could deny, however the Land Act of 1870 had failed, that it had put the tenants in a better position, with regard to making contracts, than they had been

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in before. They must bear in mind that not only did the Act of 1870 contain the Compensation Clauses, but that the force of public opinion, consequent upon the passing of the Act of 1870, was considerable, so that the tenants had had a better chance of fighting their battle with the landlords than those who made their contracts before 1870. And there was another case, one which was not very frequent, but of which there were many instances in existence in Ireland; and that was the case of those tenants on whom, or on whose fathers, leases had been forced on account of their action at elections. Such leases had been forced on tenants by Conservative landlords owing to their having identified themselves with the Liberal interest; and he thought it was very hard, seeing that the tenants had stood by the Liberal Party in those days, that the Liberal Party should not stand by them now. He had in his mind the condition of four properties in County Clare, two of them belonging to Lord Leconfield and Sir Augustin Fitzgerald. On both these leases were unknown, yet there was perfect security to the tenants; but, in the immediate neighbourhood, there were two other estates where the tenants held under leases which ought long ago to have been brought before some Court of Equity. The evidence of pressure was so great that no Court of Equity, in such cases as these, would have refused relief. The leases had been accepted simply because the tenants had been subjected to constant nibbling and increases of rent; and everyone knew that the Irish tenant would rather have his rent increased 20 per cent at once than 15 per cent by small increments. These tenants were rack-rented, because they would accept any lease they could get rather than be subjected to these uncertain and unequal increments, and they had also been subjected to a great deal of persecution at election time. He did not wish to delay the passage of the Bill; therefore, he would merely say that, as a matter of public policy and general equity, they ought not to throw over these leaseholders who acquired possession before 1870. It might be said that they were a very small number of people; but, although they might be small in number, they were influential, and he was certain that great agitation

would take place and great jealousy would spring up if Parliament left them out in the cold. It would, in fine, be equally inequitable and impolitic to leave these people without relief.

MR. GLADSTONE: The ground upon which Her Majesty's Government have proceeded in this matter is so simple and clear that I am anxious to explain it at once to the Committee. The hon. Member for Wexford (Mr. Healy) stated that there was no principle in the course we were taking; but I must say that there is clearly a principle laid down in the Bill, and that we are proposing the exception to that principle. In matters of this kind, the general principle is to endeavour to improve the laws that determine the relations between different classes of society, and to deal only with the present and the future. That is the general principle, and it is a principle which, whatever arguments it admits of on abstract grounds, is fully confirmed by the dictates of prudence and long experience. But, in this particular instance, it so happens that in the Act of 1870 we framed a measure in which we gave special opportunities and special inducements of a certain kind. The inducements were intended to be towards the establishment of perfectly free and fair contracts between landlords and tenants, which free contracts should have effect without any sacrifice on the part of the landlords. We gave a qualified fixity of tenure for a number of years. We have evidence, I believe, that in a limited number of cases these limited opportunities have been abused; and on that ground we thought it desirable to give the Court power, on proof of the facts, to put an end to such abuses by quashing the leases. But, first of all, we require a special ground to warrant our going back at all on prior arrangements, and the moment we get beyond that special ground we have nothing to warrant our going further. Beyond that special exception the Government cannot go; and we must, therefore, decline to consider the further extension of the Amendment.

THE O'DONOGHUE said, the right hon. Gentleman the Prime Minister did not appear to give any reason why they were not able to produce special grounds for breaking leases made prior to those of 1870. It appeared to him (The O'Donoghue) that the Amendment pro-

*Mr. O'Shea*

posed by his hon. Friend (Mr. Healy) was based on reason, and on the precedents established by the Bill. The measure was based, in great part, if not altogether, on the recognition of the fact that the Irish tenants had not been free to contract. In a previous discussion, the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) had stated that the majority of Irish tenants were not free to contract; in fact, he (The O'Donoghue) thought the right hon. and learned Gentleman had said that the overwhelming majority of the Irish tenants were not free in this respect. There was no ground for assuming that while the yearly tenants had not been free to contract leaseholders had been free to do so. Taking the great body of the Irish tenants, he had no hesitation in saying that yearly tenants were as independent as leaseholders, and very often much more so. It was not infrequent in Ireland to see two adjoining farms held by tenants similarly circumstanced and similarly rented, with no other difference between them except that one held by parole agreement and the other by lease. Take the case of two farms rented at £50 a-year, and suppose both of the farms to be rack-rented, he would ask the Committee was it possible to give any satisfactory reason for the passing of a law which would enable one of these tenants to come forward and obtain relief from this rack-rent, and deny the right to the other, who was precisely similarly circumstanced, except that he was a leaseholder? In principle, there was no difference between a parole agreement to pay rent and a written agreement to the same effect. It was impossible to give a satisfactory reason why a man who had contracted, under certain circumstances, to pay rack-rent for a year should be released from the payment of that rent, whilst the man who had been compelled to contract to pay the rack-rent for 30 years was not relieved. It appeared to him that far stronger reasons could be adduced for releasing the man who was compelled to pay the rack-rent for the longer period of 30 years. So far as his experience went, he could say that a leaseholder, as a general rule, paid a higher rent than an annual tenant. Formerly, the obtaining of a lease was the only means by which a tenant could, even temporarily, escape from the

control of his landlord; and, in order to do that, he took a lease and had to pay heavily for the security he obtained. What was said to him was this—"You are going to be put into a position where for some years your rent cannot be raised, and you must pay for that protection," and an exorbitant rent was charged. In every county of Ireland there were innumerable cases where tenants had been compelled to take leases before 1870, and had been obliged to pay rack-rents, and he failed to see any reason in the world why they should not be allowed to come into the Court and have their rents revised.

MR. P. MARTIN said, the extent and nature of the Amendment had been somewhat exaggerated and mis-stated. It appeared to him to lay down no such novel or extraordinary and unprecedented principles as had been stated. It was proposed to confer upon the Land Commission in Ireland, in many respects, similar powers to those at present enjoyed by every Court of Equity in the Kingdom. The proposal was to give to the Land Commission power to do in a simple, expeditious, and cheap fashion that which, he believed, could be done by any Court of Equity in Ireland. What must be proved by the tenant before he could ask the Land Commission to quash a lease? He must prove that the terms, in the opinion of the Court at the time of the acceptance of the lease, were unreasonable and unfair to the occupier, having regard to the provisions of the Act of Parliament. Nay, he must go further and say that the lease was procured by the landlord under a threat of eviction or duress, which in Equity would amount to undue influence. He would ask any hon. Gentleman acquainted with legal matters whether, where a threat of eviction was used, not for a *bond fide* purpose, but as a means of exacting the tenant's signature to an unfair lease, and where the landlord thus unfairly and unduly used such powers as the law vested in him, would not a Court of Equity, on its being proved that the landlord had thus taken advantage of the tenant's necessities to force a contract, at once grant relief? And let him remind the Committee of this—that, in point of fact, in the celebrated case of Lord Aylesford, it was shown that where unfair pressure was used by a money-lender the agreement

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could be quashed. Under such circumstances, why was the Committee to limit the application of this clause to tenants holding under leases granted since the passing of the Act of 1870? It could not be contended that tenants were free to contract before the passing of the Act of 1870. No Member who had a seat in the House before the passing of the Act of 1870 could stultify himself by saying any such thing. What was the *raison d'être* of the Act of 1870? It was that the landlords and tenants were not free to contract. Let the Committee look at the past history of Ireland, and at the Evidence produced before the Royal Commissions—the Commissions of Lord Bessborough and the Duke of Richmond. It would be found that it was proved in evidence that what were called “doctored rentals” were prepared for the purpose of sales in the Landed Estates Court. Men were set down as paying a higher rent than that which, in point of fact, the landlord was in the habit of receiving. The hon. and gallant Member for the County of Cork (Colonel Colthurst) had, over and over again, brought forward an instance of that character. Considering, then, the true nature and effect of this clause, Her Majesty’s Government ought not to insist upon any limitation of that character. They had already listened to the remarkable speech of the Prime Minister, in which he so eloquently and clearly stated his reasons for conferring on those tenants who now hold by lease the privilege, at its termination, of becoming present tenants with the rights incident to that class of tenancy. Under those circumstances, why limit this clause as proposed? All tenants ought to be entitled to invoke the aid of the equitable powers conferred by this clause on the Land Commission. Why should they, by any words, limit these to cases since the passing of the Landlord and Tenant Act of 1870? Evidence had been given before both the Bessborough and the Richmond Commissions, giving instances of the greatest hardships perpetrated upon the tenant before the passing of the Land Act of 1870. Let them see whether the case of the tenants of the Land Act of 1870 was not rather stronger than the case of the tenants since the Land Act of 1870. Some hon. Members had spoken as if all leases in Ireland had been solemn contracts entered into under

seal after due preparation and consideration on the part of the tenant. But let him remind the Committee that a great distinction existed in this matter between England and Ireland. Under the Act of 1860, any agreement in writing constituted a lease, so that if a bailiff went and used pressure on a tenant, and the tenant was induced to put his hand unawares to any document prepared by the bailiff, that constituted a lease just as good as if it were prepared by an eminent solicitor and explained to, and understood by, the tenant, and signed and sealed by him. The Act of 1860 declared expressly that any agreement in writing was to be held to have the force and effect of a lease. Those were the express provisions of the Act. Viewing how easily leases might be procured in Ireland, he rather thought that that matter was cleared away by the wonderful speech with which the Prime Minister had favoured them that day. The mere attaching the name to any informal document constituted a contract in the nature of a lease under the Act of 1860, and became binding. That, in itself, opened the door to fraud and abuses. The ignorance and helpless condition of the tenants left them very liable to the exercise of undue influence on the part of landlords. It might be said the recommendation in the Bessborough Commission was only in respect of laws made since 1870. But if they looked at the meaning, at the intent, which was not very accurately expressed through portions of the Bessborough Commission in respect of the matter, they would see that the Commissioners, if they intended to give the full meaning to the words, which he had no doubt they did, conveyed the impression that all leaseholders should be released from leases that had been obtained by unfair means. He must say that the very dissentient Member of the Bessborough Commission—The O’Conor Don—admitted the principle that, in point of fact, where they conceded the rights of the tenant from year to year, they ought to concede the same rights to the leaseholder. The O’Conor Don showed that the contract from year to year was to surrender the holding on getting notice to quit; and he pointed out that the same right ought to be conceded to the leaseholder as to the tenant from year to year. He trusted that the Committee would adopt this Amendment.

Mr. P. Martin

MR. EDWARD CLARKE said, the hon. and learned Member (Mr. P. Martin) had once or twice said that every legal Member of the Committee would agree with his exposition of the law, when he laid down that any Court of Equity would do all that was proposed by this section, in respect of the power which it was proposed to confer upon the Commission. He ventured to challenge that position at once. There was no power, so far as he was aware, in any Court of Law or Equity in England or Ireland to set aside a lease that had been executed as between landlord and tenant, on the ground that it had been signed by the tenant under a threat of the landlord in the exercise of his legal rights. That was the test of the matter. If a threat of eviction were to prevent the exercise of the legal right of the landlord, then the lease was against those legal rights. If a lease was a thing which any Court of Law in England or Ireland could set aside, and if it were true that a Court of Equity could do that, then there was no occasion to burden the Commissioners, who were charged with many duties, with this, when it could be done by any Law Court in the Kingdom. He was glad to see that this mischievous proposal was to be limited upon the lines that the Government laid down. There was no ground for saying that any hardship would exist, as had been stated by the hon. and learned Member who had just sat down.

MR. LEAMY said, that the hon. and learned Gentleman (Mr. Edward Clarke) had just stated that a Court of Equity would not interfere with the contract of a tenant under a lease simply because the tenant was forced into the contract under a threat of eviction—or, in other words, in exercising his legal rights. That was quite true; but were they to be told that any yearly contract tenancy could be set aside because the tenant was forced into that contract by a threat of eviction? Was not it because the tenants had been compelled to enter into a yearly contract under a threat of eviction, and because they had raised their rents enormously, that the Government came forward with this Bill? They were told that the justification for it was that it set aside freedom of contract. But there was no freedom of contract between landlord and tenant in Ireland; and for that reason the contract should

be set aside. The Prime Minister had told them that it would not be prudent to legislate upon past transactions. That was very well. The contract that was made 50 years ago was said to be a continuous contract, although it was made before the new state of things had arisen under the Land Act of 1870, or under the Bill now before the Committee. Therefore, the defence was simply that this contract under a deed was more solemn than an ordinary tenancy. But if a tenant contracted verbally to pay £40 for a holding, and to go out on receipt of six months' notice, surely he was as much bound by it as if he had entered into a contract under seal. They did not say that the leaseholders should go into a Court to fix his rent; but what they asked was this—that since they were now going to enable a yearly tenant, notwithstanding his contract, to pay a certain rent, to go into the Court to pay a very much lower rent than he contracted to pay, they should allow the leaseholder, if he could show to the satisfaction of the Court that he was forced into the contract in the same way as the yearly tenant was, he thought it would be inequitable and unjust not to allow him to have the judgment of the Court. They did not propose that every leaseholder should go in and claim; but if a leaseholder could show that the lease was forced upon him, and that during the time he had the lease inequitable and unjust terms were imposed upon him, he (Mr. Leamy) submitted that such a one was entitled to receive the judgment of the Commission.

MR. JOHN BRIGHT: I was a good deal surprised that the hon. Member for Wexford (Mr. Healy) had moved this Amendment, especially after the very favourable opinion he had expressed on the Amendment moved by my right hon. and learned Friend the Attorney General for Ireland, and I was still more surprised that hon. Members from Ireland should think it necessary to continue the discussion in favour of the Amendment on the Amendment after the speech of my right hon. Friend the Prime Minister. It was known to hon. Members opposite, and to the hon. and learned Member (Mr. P. Martin), who had made rather a long speech on this matter, that there had been many suggestions from hon. Members from Ireland during this discussion with respect to this very question; and they

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themselves had proposed that what was done should be limited by the year 1870. Now, when we look into those Amendments, we find that there is an Amendment by the hon. Member for the County of Cork (Mr. Shaw) in which he speaks of leaseholders holding lands since 1870, and they may apply to the Court. Then we come down the same column, and the hon. Member for Kilkenny County (Mr. Marum), who is a great friend of this Bill, also there speaks of existing leases which shall have been executed after the passing of the Landlord and Tenant Act of 1870. Then, over a leaf, my worthy and hon. Friend the Member for Queen's County (Mr. Lalor) also proposes an Amendment—

"Provided the Court, on being applied to by the tenant, shall not have reason to judge that the tenant of such a tenancy, if created after the passing of the Landlord and Tenant (Ireland) Act of 1870."

Now, besides these Amendments, if I am not mistaken, there have been references made by several hon. Members on that side of the Committee; and, therefore, it is quite clear that what was dwelling in the minds of hon. Members before this Amendment of my right hon. and learned Friend the Attorney General for Ireland was put on the Paper was that the Government should do that which my right hon. and learned Friend now proposes to do. Having made that proposition, surely it is a very unwise thing to continue a discussion upon a proposition which they must know was based upon their former proposition; and after the speech of the Prime Minister they must know also that it cannot possibly be accepted. Further, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) is here ready to deliver, no doubt, a strong speech against this clause altogether. He is not going to trifle with it; but he is going to deliver a very powerful charge against this clause altogether. Would it not be better, then, if the Irish Members, who are friends of this Amendment, did not obstruct—if they did not discuss what they know to be impossible, and prevent the coming on of the attack, to which the clause itself must be subjected, and then they will have great liberty to answer the arguments of the right hon. and learned Gentleman. Now, I am only making this proposition as a matter of tactics. If

*Mr. John Bright*

I were an Irish Member, and in favour of this clause, I should blame my fellow-Members if they took up the time of the Committee in discussing what they knew would be defeated, and what they themselves did not originally propose, and wasted their strength and the time of the House upon it, instead of allowing the right hon. and learned Gentleman opposite to come on with his speech, and then take the opportunity of absolutely crushing him, which, no doubt, they will, with the assistance of the Government and the hon. Gentlemen on the other side. And then, in the course of the evening, we should divide upon this Amendment. That is the way really for the Business to get on. I will only make one observation more, and that is, that it appears to me that I do not know whether the progress of the Bill, in the course of this discussion, has been hindered more by its friends than by its enemies. When its friends see a good thing in their grasp, if they would take it and not talk so much about it, we should get on better.

SIR STAFFORD NORTHCOTE: I think that the right hon. Gentleman (Mr. John Bright) is rather hard upon his Friends, when he says that they refuse it when they see a good thing within their grasp. That is exactly what it means. They, however, did not see their way in this direction, and they put down moderate Amendments in order to get what could be got in the way of opening leases made since 1870. But then, when the Government have come forward, and taken up the whole ground, the natural consequence has followed that the Irish Members, or some of them, have opened their mouths a little wider, and they have said that "when good things are going we will see what we can get of them." And the Government have put their foot down and said—"No; we will not go any further," because in matters of this sort they legislated only for the present and future, with the sole exception of the Act of 1870. All I can make out is, that the Act of 1870 was a child of their own; and, therefore, they thought they could take great liberties with it, and on that ground they proposed an Amendment which, when we come to discuss it as a whole, we shall point out to them that if they are at liberty with regard to what has taken place since 1870, why it would be im-

moral in previous times, when, perhaps, such a plausible case could not be made as at present. I hope that this discussion will not go any further after the plain language used by the right hon. Gentleman the Chancellor of the Duchy of Lancaster.

MR. PARNELL said, that the right hon. Gentleman the Chancellor of the Duchy of Lancaster was surprised because his (Mr. Parnell's) hon. Friend the Member for Wexford (Mr. Healy) approved as he did of the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland, and wished to have it extended to leases entered into before the passing of the Act of 1870. Well, he (Mr. Parnell) thought that it was very natural that his hon. Friend approving of the Amendment in regard to leases which had been entered into since 1870 should wish still further to improve it, and apply it to previous leases. He did not think that there was any matter of surprise, from that point of view, that the hon. Member should desire to have this extension. And then the right hon. Gentleman rather chided the Irish Members because the Amendments which had been put on the Paper some two months ago with regard to the leases were, with only one exception, confined to leases which had been executed since 1870, and he intimated that it was very unreasonable of the Irish Members to change their minds. But he (Mr. Parnell) thought in politics, if a politician set out with the principle that he was never going to change his mind, he would not find himself a very successful one. The reason they had changed their minds was not because the Government had given them what they originally asked for; but rather because, in the interval that had been allowed to elapse, they had got such overwhelming evidence of the injustice of the leases previous to 1870, that they thought it right to lay the case before the Government, and to ask them to extend their beneficial provisions to such cases. What were the facts of the case? He did not think that the leases executed before 1870 were, on the whole, as bad as those executed since 1870; but there could be no doubt at all that they were very bad. He had taken the trouble to collect 41 leases which had been executed previous to 1870, and he had had them tabulated,

and he found that the average rental amounted to £1,591, or £1,600 in round numbers, and the average Poor Law valuation amounted to £1,000, showing an average rental in these 41 cases of 62 per cent over the Poor Law valuation. Everybody who was conversant with agricultural matters in Ireland would admit that, as a rule—and those cases were selected at haphazard from all parts of Ireland, and were not in any way picked out—50 per cent over the Poor Law valuation was undoubtedly a rack rent, and an extreme rent; and they should hope that the Bill of the Government, and the 7th clause of the Government, would reduce the rents of the tenants occupying holdings to considerably below that figure. In that case, if this hardship existed, what reason was there why these people should continue to pay this excessive rack rent? The Prime Minister, with that wonderful ingenuity which so distinguished him, said that this was owing to the Land Act of 1870 being passed. But it seemed to him (Mr. Parnell) that the Land Act of 1870, having been passed meanwhile, was rather an argument in their favour; because those tenants who were forced into these leases before the Land Act of 1870 had not even the protection of that Land Act to enable them to withstand the exorbitant demands made by the landlord. Now, let him give very shortly—because he recognized the desirability of shortening the discussion—instances of the way in which those leases were forced upon the tenants. In 1875 he found that there were 11 cases in which the leases were forced upon the tenants, and accepted by them under a threat of eviction in four days. Then, again, in 1876, there were two leases which were forced upon tenants under a threat of eviction; and again, in 1877, he had cases of leases which were forced upon the tenant to deprive him of the expected benefits of the Land Act of 1870. People at that time were talking about some legislation in hopes and expectation of the agitation in Ireland being successful, and the landlord took advantage of it and forced these cases on. Then, again, he had three cases of leases which were accepted under the penalty of having the rent doubled, the rent in these cases being raised 50 per cent higher because they took leases. He did not say for a

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moment that the cases of hardship were very numerous previous to the Act of 1870. [Mr. CARTWRIGHT: For what terms were these cases?] They were for 31 years, and there was a considerable penalty attached to them. He did not mean to contend that there had been so many cases before 1870 as there had been since. In saying that, he admitted that he was making an admission which went, to some extent, against the case he was desirous of making clear to the Committee. He had received returns relating to something like as many as 350 other leases which were forced upon tenants since the Act of 1870, and he had found that there were 41 cases in which leases had been forced upon tenants before the passing of the Act of 1870, and 350 since that Act came into force. He would therefore ask the Prime Minister whether, as the matter involved was not of very large importance, the number of leases being comparatively few, there was any reason for opposing the Amendment before the Committee? He saw no reason why tenants who held leases which were dated before the year 1870 should be debarred from the beneficial provisions accorded, or proposed to be accorded, by the present Bill, which would, in a large degree, remedy the grievance of which they now complained as having suffered since the passing of the Land Bill of 1870. He thought it would be a politic act on the part of the Government to have mercy on those tenants who, owing to no fault of their own, when they were unprotected by the law, and when no measure of justice or mercy had been extended to them by that House, were compelled to take leases on the terms of which he was then complaining. He could not help thinking—and he was sorry to be compelled to the thought—that there were in the Committee a considerable section of hon. Members who would oppose the Amendment that had been proposed, notwithstanding the fact that it would, if passed, remove from the minds of many among the Irish tenants a burning and rankling sense of injustice.

Mr. A. M. SULLIVAN said, he had hailed with pleasure the fact that the Notice Paper bore the Notice of Amendment proposed by the right hon. and learned Gentleman the Attorney General for Ireland, which went as far as ever he anti-

cipated the Government would see their way to go. Let him say, however, that he wished his hon. Friend's (Mr. Healy's) words in reference to this particular branch of the question were not to be misunderstood, in that they were wishing to push back a little further the date of leases which should be affected by the Act. The course of action which had been taken reminded him somewhat of the observation of Charles II., who, speaking of one of his courtiers, said that if he had presented to him the whole of Ireland as an estate, he would want the Isle of Man as a cabbage garden. There was, he must confess, an appearance of something of the kind in some of the proposals which had been made by his hon. Friends; but behind that action on the part of his hon. Friends there was the daily receipt by hon. Members at the Post Office in the Lobby of the House of bundles of leases sent by tenants who wished to show the harshness of the treatment to which they were subjected prior to the passing of the Act of 1870, and he must confess that he had been simply astounded by the revelations contained in those documents. It was impossible for hon. Members who took an interest in the subject to hear of these cases without a desire to induce the Government to throw a shield over the men who had suffered the injustice to which he referred. At the same time, he could understand the Government asking themselves whether there were sufficient reasons for looking for a signal post behind the year 1870. There was nothing, as far as he could see, to give a reason for marking the period of a starting point anterior to the passing of the Act of 1870, unless it was contended that if they were to go back behind the year 1870 they should stop at any particular period, and not subject all the leases in Ireland to review. He had reasoned the matter out for himself, and had come to the conclusion that to submit all leases in Ireland—good and bad alike—would only have the effect of causing a great outcry among the leaseholders themselves. Therefore, while he was sorry to differ on this or any other subject from the Friends with whom he generally acted, he could only say that, in his view, the Government had met them very fairly. The only definite opinion to which he came on the occasion of the

first reading of the Bill was that the Government would defeat the equities of the Land Act of 1870; and the substance of the present proposal was that the present Bill should not go behind the leases granted since the passing of that Act, but should include them. This was an intelligible proposal, and one which, with an ardent desire to promote in every way the interests of the Irish tenants, he could not but hope would find acceptance in the eyes of his hon. Friends. Of course, while saying this, he wished for more than the Bill proposed to give; and he would, therefore, suggest that if the Government would not give all that his hon. Friends demanded, they should be content with a revision of the leases which were forced upon the tenants by their landlords just before, and in view of, the passing of the Land Act of 1870, so as to defeat and checkmate its beneficent proposals.

MR. MITCHELL HENRY wished the Committee to reflect upon what would be the effect of this proposal on the action that might be taken in "another place" in the event of its being carried. He feared that if the Amendment were accepted the clause would be struck out altogether when the Bill reached the House of Lords.

MR. CALLAN said, as no such proposal had been made as that all-existing leases in Ireland should be broken or revised, he saw no force or foundation in fact in the suggestion of the quondam tenant farmers' Friend who had just addressed the Committee. The Committee had already departed from the only stand-point on which could be based any valid objection to the Amendment of the hon. Member for Wexford (Mr. Healy). In an eloquent speech, the Prime Minister had, practically, conferred upon existing leaseholders the right, as far as future tenancies were concerned, to avail themselves of the benefits of this Act; and all that the hon. Member for Wexford asked was that if injustice perpetrated after the year 1870 was to be redressed, the injustice inflicted before that year should also be similarly treated. He (Mr. Callan) had seen a letter from a tenant, and also a copy of the lease under which that tenant held before the passing of the Act of 1870. In his letter, the tenant said that before the Act came into operation he had a new lease forced upon him,

and the threat held out to him to induce or compel him to accept such lease was, that if he did not so accept his tenancy would be terminated at the end of the one then running. The majority of tenants in the best parts of Ireland were leaseholders before the year 1870; and why, he asked, were they to be shut out from the benefits of this Act? It was all very well to say that the Act should only be used for the purpose—as far as this branch of the subject was concerned—of repairing injustice committed since 1870; but, surely, if the injustice had been inflicted earlier than that year, the injured person had *prima facie* a stronger ground for reparation in some form or another.

MR. JUSTIN M'CARTHY, in supporting the Amendment, said, he had himself received copies of a number of leases forced upon tenants by their landlords, in each of which there was a covenant to the effect that at the termination of the tenancy no claim was to be set up for any improvements made on the holding, and that such improvements, if any, were to become the property of the landlord.

Question put, and *negatived*.

MR. E. STANHOPE proposed in the same Amendment, before the word "procured," the insertion of the word "unfairly," and said, he only proposed the Amendment in order to make more clear what he took to be the obvious intention of the Government.

Amendment proposed to said proposed Amendment, in line 6, before the word "procured," to insert the word "unfairly."—(Mr. E. Stanhope.)

Question proposed, "That the word 'unfairly' be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not agree to the Amendment, in that it was unnecessary, because a lease obtained unfairly could not be included in the provisions of the Bill.

Question put, and *negatived*.

MR. GIBSON moved, in the same Amendment, in line 6, to leave out the words "or undue influence," in order to insert the words "and under circumstances which a Court of Equity would hold to be sufficient to set aside a deed."

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The right hon. and learned Gentleman said his proposal ran on all fours with a statement made by the Prime Minister, on the 30th of June, to the effect that in cases where tenants had presented to them the alternatives of lease or eviction—

"The question may arise whether relief ought not to be afforded to those leaseholders justly and upon the strictest principles of equity by enabling them to go into Court and have a fair rent fixed—by enabling them to have the lease quashed, as it would be quashed in a Court of Law."

[Mr. GLADSTONE dissented.] He (Mr. Gibson) could only say that it was *The Times* report which he held in his hand. If the Government declined to accept his Amendment, they were in the position of seeking to set aside leases in circumstances which a Court of Equity would not hold sufficient for the setting aside of a deed. He thought it right to guard himself by saying that his Amendment would only improve the drafting, and would not relieve the clause from its original vice.

Amendment proposed to said proposed Amendment,

In line 6, leave out "or undue influence," and insert "and under circumstances which a court of equity would hold to be sufficient to set aside a deed."—(Mr. Gibson.)

Question proposed, "That the words 'or undue influence' stand part of the said proposed Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could not accept this Amendment, and for these reasons. The jurisdiction proposed to be set up differed from that of a Court of Equity, and was, at the same time, more extensive. If this had not been so the clause would have been useless.

Question put, and *negatived*.

SIR R. ASSHETON CROSS said, the Committee had just heard a very remarkable declaration on behalf of the Government to the effect that the Court created under the Bill would have power to interfere between landlords and tenants in cases where the ordinary Courts of Equity would have no power. This was a rather startling doctrine, and he thought the Committee had a right to ask by what rules, if any, the Court was to be governed. As it seemed to him, this Court was to be armed with new

*Mr. Gibson*

powers, undirected by any principles of law, or, for that matter, equity either, but commissioned to do a sort of rough justice between the parties coming before it. In order that the question might be considered, he would move to insert words providing that the Land Commission "may make such order as a court of equity would make in the like circumstances." He was not in the least tied to any particular form of words, and perhaps the right hon. and learned Gentleman the Attorney General for Ireland would be able to suggest other words fitter for the purpose.

Amendment proposed to said proposed Amendment,

In line 6, leave out all from after the word "may," to end, in order to insert the words "make such order as a court of equity would make in the like circumstances."—(Sir R. Assheton Cross.)

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not see any difference between the Amendment of the right hon. Gentleman and the one which the Committee had just negatived.

SIR R. ASSHETON CROSS asked what prospect there was that when the new equity was got it would be administered upon known principles?

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) said, that if a new equity was created, it must be administered according to the old principles.

MR. PLUNKET explained that the object of the Amendment of his right hon. Friend (Sir R. Assheton Cross) was to provide that the order should be made in accordance with the known rules of equity. The Amendment was intended to deal with the circumstances under which the order was to be made; and the hon. and learned Gentleman the Solicitor General argued that it must be administered according to the old rules of equity, while his right hon. Friend proposed that judgment should be given according to existing rules.

MR. GLADSTONE said, the construction put upon the Amendment by the right hon. Gentleman (Sir R. Assheton Cross) was that it admitted the fact that there was a new equity created and a new

power conferred on the Court; but that the Court must exercise it according to the known rules. The words were that the Court should "make such order as a court of equity," and not that they should exercise their powers according to the old principles.

SIR R. ASSHETON CROSS: What I stated in my opening remarks on the proposal was, that I was not in the least anxious about the words, and that the right hon. and learned Gentleman the Attorney General for Ireland might, perhaps, suggest other words. The hon. and learned Solicitor General (Sir Farrer Herschell) says you have created new equity. We grant that, and if it was to be administered by a known Court of Equity there would be nothing more to be said upon it; but this is a new procedure, and a new Court altogether. They have certain powers of equitable jurisdiction; but they are a new Court, and will have to administer law and equity upon some new and undefined principles. That is precisely the point I wish to guard against; but the hon. and learned Gentleman the Solicitor General says the Court will administer this equity according to known equity principles. If that be so I am content; but the right hon. and learned Gentleman the Attorney General for Ireland stated that that was not necessary. I have done my best to insist that the Government shall provide that this new jurisdiction shall be administered by the Court according to the known rules of equity, and not according to expediency. It is a matter of broad principle, and we cannot insist upon broad principles too much. This Court is not composed of lawyers, and what I want to insure is that the Court shall administer this new equity according to the known rules. The hon. and learned Solicitor General says I am right; but I want to be certain of that.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government believed the Court would manage its affairs like all other Courts, according to definite principles, and by the adoption of such rules of procedure as were best suited for the exercise of their powers.

SIR R. ASSHETON CROSS said, he should not press his Amendment, but should like to have it negatived rather than withdrawn. [*Cries of "Withdraw!"*] Then he would withdraw it.

Mr. WARTON asked for a definition of this new equity from the Solicitor General.

Amendment, by leave, *withdrawn*.

LORD RANDOLPH CHURCHILL said, he considered the Amendment of his right hon. Friend (Sir R. Assheton Cross) too narrow, because it did not provide that the Court should proceed on all matters according to the known rules of equity, and the fair construction was that the Court would not so proceed. He feared there would be a great deal of misunderstanding amongst Irish tenants holding leases, unless some words such as he proposed to move were inserted. On the very day when the Prime Minister consented to make this concession with regard to leases, the hon. Member for Tralee (The O'Donoghue) presented a Petition from 50 leaseholders, praying the House to cause their leases to be set aside. If 50 leaseholders from Castle Island, which was a small part of Ireland, took that course, how many leases did the Prime Minister think were likely to be brought into Court? Unless some such Amendment as his (Lord Randolph Churchill's) was adopted, almost every lease would be submitted to the Court on the chance that it might be set aside. His object was to provide that the Court should make rules under which the tenants should know perfectly well whether they had any chance of carrying their leases into Court or not. One rule might be that a tenant applying to the Court should produce his last receipt for rent, and by another the Court might require the tenant to show that he had fulfilled the conditions of the lease which he wished to have set aside; to produce some evidence that he had fulfilled all the covenants, and had kept the buildings and fences in repair.

Amendment proposed,

In line 8 of said proposed Amendment, after the word "act," to insert "and on compliance by the tenant with the prescribed conditions."  
—(Lord Randolph Churchill.)

Question proposed, "That those words be there inserted in the said proposed Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) objected to the Amendment.

Amendment, by leave, *withdrawn*.

MR. E. STANHOPE said, he had heard with some surprise certain pro-

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positions which had been adopted by the Committee with regard to the position of the tenant on the conclusion of his lease. It seemed to him that all the propositions were based on very incorrect ideas; and the Government appeared to be considering, not what the leases were, but what they might be. It was proposed to give the Court power to break through leases at a time when the tenants had the complete advantage of the lease, and to take away from the landlord any advantage that he might claim. Under the present proposal, if unreasonable conditions were put before a tenant, he might either refuse them, or accept them under a protest of undue pressure. The Government proposed to empower the Court to set aside leases, and on conditions which went far beyond anything that the tenant was entitled to ask. The utmost a tenant was entitled to ask was to be put back in the same position as if the lease had not been forced upon him, and the Government made that proposal upon the understanding that it would meet cases which did not quite amount to fraud; but if there was fraud, the existing Courts of Law would cancel the lease; but now, in a case which was less than fraud, the Court were to be empowered to cancel the lease, and to put the tenant in a position very much more advantageous than he would have been placed in if fraud had been proved. The tenant would, therefore, go into Court with everything in his favour. If he failed in his obligations, he could fall back on the lease which previously existed, with the additional advantage that on the conclusion of the lease he would be placed in the position of the present tenant. If he could show that in one single instance something unreasonable had been demanded by the landlord, he could repudiate the instrument he had made, and be placed in a much better position than if he had originally repudiated the lease, or if the lease had been set aside as having been obtained by fraud.

#### Amendment proposed,

In line 11 of said proposed Amendment, to leave out all after the word "deemed," in order to insert the words, "to have voluntarily surrendered his tenancy, and the Court shall, if necessary, put the landlord in possession thereof by injunction."—(*Mr. E. Stanhope.*)

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

*Mr. E. Stanhope*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think the hon. Member (Mr. E. Stanhope) really comprehended the true meaning of his Amendment. What was proposed was that an application to set aside a lease should be made by a person who had been a tenant from year to year, but upon whom a lease had been forced. It must be proved—first, that he was a tenant from year to year; and, secondly, that the lease, at the time of its acceptance, was unreasonable and unfair; and, finally, that he had been forced or defrauded into taking it. But the hon. Member seemed to suppose that the first part was very favourable to the tenant, and the last part more favourable to the landlord. The extraordinary part of the Amendment, however, was that in which the hon. Member would set aside a lease, and the tenant would be placed in the same position as if the lease had been obtained by fraud. He agreed with the hon. Member in his object; but how was it to be carried out? The Bill would undo a wrong, and leave the man as he would be if the wrong had not been done; but the hon. Member proposed that the man should surrender his tenancy to the landlord with all his improvements on it, and seemed to think that that was restoring the parties to their original position.

MR. E. STANHOPE replied, that the tenant would not be put in the same position. If the Bill would make him a future tenant, he could understand that; but what it would do was to put him in the position of the present tenant, with all the advantages which this Act conferred.

Question put, and agreed to.

MR. EDWARD CLARKE moved to introduce at the end of the section a Proviso that any persons aggrieved by any order made under the section might take the same, by way of appeal, to Her Majesty's Court of Appeal in Ireland, in the same manner as if it was an order made by Her Majesty's High Court of Chancery. The hon. and learned Gentleman said that in another part of the Bill the Committee had agreed that, on all questions of law, an appeal should be allowed from the order of the Commissioners to the Court of Appeal; and if there was one part of the Bill at which it was essential that there should be an appeal to the High Court, it was in this

section. Assuming the addition proposed by the right hon. and learned Gentleman the Attorney General for Ireland to be appended to the clause, that would provide that the Court should have power to set aside agreements between landlord and tenant on grounds which, at all events, were different in their definition from those at present known to the law; and it was most essential that in a case of that kind, which gave to the new Court considerable powers, its decisions, in the first instance, should be regulated by a right of appeal to the High Court.

**Amendment proposed,**

At end of section, to add "Any person aggrieved by any order made under this section may take the same, by way of appeal, to Her Majesty's High Court of Appeal in Ireland, in the same manner as if it was an order made by the Chancery Division of Her Majesty's High Court of Justice in Ireland."—(*Mr. Edward Clarke.*)

**Question proposed,** "That these words be there added."

**THE ATTORNEY GENERAL FOR IRELAND** (*Mr. Law*) said, he could not agree with the Amendment, for he considered it needless, as the rights which the hon. and learned Member wished to see conferred upon aggrieved suitors was already conferred upon them by another part of the Bill.

**MR. EDWARD CLARKE** said, he could understand that the right hon. and learned Gentleman assumed that the proposal came within the general power given by another part of the Bill; but he (*Mr. Edward Clarke*) thought there would be some doubt as to that. He was, however, satisfied with the right hon. and learned Gentleman's assurance of his intention with regard to the clause, and would not press his Amendment.

**Amendment, by leave, withdrawn.**

**LORD RANDOLPH CHURCHILL** moved to add at the end of the said proposed Amendment the following *Proviso*:—

"That the lease of any holding held at a rent of over fifty pounds should not be subjected to revision by the Court."

He would remind the Committee that when the Prime Minister introduced the Land Act of 1870, he provided that persons holding tenancies of over £50

should not be subject to that Act. He did not understand that the Prime Minister admitted having made any mistake about the Act of 1870, or that the Act was not suited to the circumstances of the time. It must be admitted that leases of large holdings stood on a totally different footing from that of leases of holdings of less value than £50 a-year; and the Land Act of 1870 had made a considerable distinction between them. He did not suppose for a moment that the Prime Minister would deny the necessity of having some limit to the clause. Was it intended, for instance, that leases of £500 a-year should be taken into Court? Surely, it would never be contended that leases of £10 a-year for 30 years, and leases of £500 a-year for 30 years, were in the same position and required the same protection? All that he (*Lord Randolph Churchill*) asked was that the 19th section of the Land Act of 1870 should be adhered to, and that this enormous concession should, at any rate, be limited to those tenants who, at the time of the passing of the Act of 1870, were admitted by Parliament to require protection. He thought the Amendment was a fair one, and he hoped the Government would accept it.

**Amendment proposed to said proposed Amendment, to insert at end the words—**

"Provided always, That the lease of any holding let at a rent of over fifty pounds shall not be subject to revision by the Court."—(*Lord Randolph Churchill.*)

**Question proposed,** "That those words be there inserted in the said proposed Amendment."

**MR. GLADSTONE:** It is an error on the part of the noble Lord (*Lord Randolph Churchill*) to suppose that this Amendment coincides with the line laid down in the Act of 1870. The line then laid down was £50 of annual valuation, not £50 of rent. But I rise to oppose the Amendment on another ground. He says we have always stood upon the sufficiency of the Act of 1870, so far as it went. But that is not so. The Act of 1870 was in several respects insufficient, and we have shown our sense of its insufficiency by largely altering the line above which what is called freedom of contract is restored. Consequently, if any line is to be drawn it must be a

line conformable to the spirit of this Bill, and not to the Act of 1870. There is no question whatever that the majority of the leases which will come under the operation of these Amendments will be leases of comparatively small holdings; but my opinion is that many of them are above the line of £50 rent, and even above the line of £50 valuation. I do not think it is worth while to introduce the present Amendment; but if any Amendment is to be accepted by us, without inconsistency on our part, it must be an Amendment which shall be based on the spirit of this Bill, and not on that of the Act of 1870.

LORD RANDOLPH CHURCHILL hoped the right hon. Gentleman would consider the position of hon. Members on the Conservative side of the House. They had not met this clause with anything like an obstinate opposition, and they had assented to the views of hon. Gentlemen below the Gangway. After what the Prime Minister had said, it would be a concession of an appreciable nature if he would consent to an Amendment limiting the Act to leases of less than £150 a-year. That would show that, in the opinion of Parliament, there were some tenants who, under no consideration whatever, should come under this clause. He would propose to amend his own Amendment by substituting "£150" for "£50."

On Motion of Lord RANDOLPH CHURCHILL, Amendment to said proposed Amendment *amended*, by leaving out the words "fifty pounds," and inserting "one hundred and fifty pounds;" and leaving out the words "at a rent," in order to substitute the words "annual value" after the word "pounds."

Amendment proposed to the said proposed Amendment,

To insert at end the words "Provided always, That the lease of any holding of over one hundred and fifty pounds annual value shall not be subject to revision by the Court."—(*Lord Randolph Churchill.*)

Question proposed, "That those words be there inserted in the said proposed Amendment."

SIR GEORGE CAMPBELL said, it seemed to him that there was no proper way of distinguishing between large and small tenants, and no reason whatever why the large tenant should be left out of the Bill.

*Mr. Gladstone*

MR. GLADSTONE again pointed out that there was really no necessity for the Amendment at all.

LORD RANDOLPH CHURCHILL expressed his willingness to withdraw it.

Amendment, by leave, *withdrawn*.

MR. GIBSON said, that before the original Amendment of his right hon. and learned Friend the Attorney General for Ireland was finally decided upon, he wished to make one or two remarks, for this legislation was so strong, and such strong Amendments were proposed to it, that they almost lost sight sometimes of the extreme importance of what they were doing. He therefore did not think it unreasonable to ask the Committee to remember exactly what was the clause that they were upon, what it was as originally introduced, and what it was now, even before this final Amendment was added to it. As the clause was originally introduced by the Prime Minister, and as it stood in the Bill, it was a clause without qualification, absolutely protecting all existing leases, with all their clauses and conditions. That afternoon the Committee were induced, in a House composed of half its real strength, but still composed of a very substantial number, considering the time of year and the weather, to introduce into the clause a most important qualification, largely doing away with the effect of one of the most important clauses and covenants to be found in all existing leases; and the clause now provided that all existing leases should be deemed to have added to them this qualification—that at their termination the tenant, instead of being bound to give up possession and to comply with his covenant to give up his holding in good order and condition to his landlord, might, if he pleased, remain on in the very beneficial status of a present tenant, with the right of having his rent assessed at what he might conceive to be a fair rent, and with the absolute right of holding on for 15 years, and with the power of again applying, if he thought proper, at the end of that term of 15 years, for an additional term. They were now considering the Amendment of his right hon. and learned Friend the Attorney General for Ireland to a clause which practically said that there might be no termination to a lease at all—that at the technical termination of a lease there might be such an addition that

there might be practically no end to it. What, then, was the Amendment which was now proposed to be added? One might have thought that the most extreme ambition to have a strong clause would have been satisfied with what was done that afternoon, without now seeking to make a more striking departure from sound principles, as a good many people would think it. For the present Amendment sought, not to add on a large and substantial qualification at the end of a lease, but to interfere with an existing lease, and to give power to the Court to break it under certain circumstances—circumstances duly set forth in the Amendment, and circumstances which invited the tenant to go into Court “on velvet,” to use a phrase which was well known in Ireland, though he did not know whether it was in similar use in this country, or, in other words, to go into Court with a full knowledge that he might win, but could not possibly lose. If the tenant went into Court to have his lease broken, he might succeed, and then he could at once be sure of having the rent revised, if he pleased, by the Court, with the certainty of a term of 15 years, and the possibility of renewal. If he failed he was no worse off; for he had his existing lease, and there was nothing whatever to discourage the tenant from going into Court. He (Mr. Gibson) had a right to ask where was the justification for presenting this Amendment for the adoption of the Committee—an Amendment of so startling and exceptional a character? If there were any justification for it, he supposed it would be found—if found it could be at all—in the Land Act of 1870; and if it could be found there, it must be found in three of the clauses of that Act—the 3rd, the 4th, and the 12th clauses. He was not going to weary the Committee by going through all the details of those clauses; but he must say a few words upon each. The 3rd clause of that Act—and he was not now dealing with an Amendment to that clause inserted either in that House or in “another place,” he was dealing with the framing of the clause as originally intended by the Government in 1870—the 3rd clause gave a right to the tenant, on the termination of his tenancy, to demand that the Court should assess for him, if he thought proper, a compensation for disturbance,

but that the granting or acceptance of a lease for 31 years should bar that claim to compensation for disturbance. That was not put in at the instance of the landlord; it was the deliberate proposal of the Government, and was a distinct statement to landlords and tenants that it was fair and reasonable, and according to the policy and intention of Parliament, that where a lease of 31 years was given it should bar that claim to compensation for disturbance. The mere acceptance of the lease was to be sufficient to bar the claim. He asked again, where was the justification for the new power now proposed, higher than any power now possessed by any Court of Equity, higher than the power possessed by the Court of Chancery either in England or in Ireland? It certainly could not be found in the 3rd clause of the Land Act of 1870. The Committee should bear in mind that the 3rd clause expressly stated, when it gave this power, and held out this invitation to landlords to grant leases for 31 years, that any leases for shorter periods should not affect, take away, or qualify the tenant's claim to compensation for disturbance. They should remember also that they had already, practically, destroyed the right to release, even if it logically existed at all, by the Amendment accepted this afternoon, because the claim to compensation for disturbance could only be made when the tenant had completed the term of his holding, and they had taken care that the tenant should never be asked to quit, unless he desired to go, or desired to break the statutory conditions; so that he (Mr. Gibson) was entirely within the argument to be drawn from the Land Act of 1870, and entirely within the argument to be drawn from the present clause as now defended, when he said that no reliance could be placed upon the 3rd clause of the Land Act as a justification for the present Amendment. As to the 4th clause of that Act, that was one of such minor and petty application, so far as this leasehold point was concerned, that it could only be relied upon technically, because the acceptance of a lease for 31 years could not stop a claim to compensation for improvements of a permanent character. The 4th clause, then, was out of the case, even if not removed by the Amendment adopted this afternoon, which practi-



cally placed it at the option of the tenant whether he would quit his holding or not; and he could not take compensation for improvements until he did quit his holding. He came now to the only other section of the Act of 1870 which could be relied on in support of an Amendment which he would only characterize as extraordinary, and that was the 12th section. It was very startling—that was a moderate and fair word, and, therefore, he should use it in preference to any other—it was very startling to find that the 12th section of the Act of 1870 was to be relied on in defence of the Amendment of his right hon. and learned Friend. They were all familiar with the 12th section of the Land Act of 1870. It provided clearly and distinctly that the landlord and tenant of any holding, the value of which exceeded £50 a-year, were to be at liberty to contract with one another. They were to be absolutely free to contract with each other as they thought fit; for it was assumed—and this was the foundation of the limitation of the clause—that the tenant of a holding valued at a higher rent than £50 of Poor Law valuation was quite able to look after himself, without the intervention of any Land Act or Court of Law or Equity. That was the whole policy and justification of the clause, and if it had not had that policy and justification, there never would have been such a clause. But the Amendment now moved practically proceeded upon this—that the 12th section of the Act of 1870, which provided for good contracts, and which had prevailed for the last 11 years, should not only be repealed for the future, but that a Court—not a Court of Equity, but a Court specially and peculiarly framed to administer some peculiar kind of bastard equity—should be at liberty to upset that freedom of contract which the Government themselves had declared legitimate by the 12th section of their Act of 1870. Where, then, was their justification for so slandering their own work of 1870? If they did not care to repeal that 12th section, why were they going to make it worthless? But they were doing still worse. They were going back, and giving powers to this Court—not a Law Court, but a partly lay Court, for he declined to recognize the accident of any member of it being a lawyer—[“Oh, oh!”]—this

was not a Law Court—nothing of the kind—they were giving powers to this Court which were not, at present, possessed by any Court of Equity—the power of administering an equity unknown, at present, to any Court in the Kingdom. Where was the justification for that? His right hon. and learned Friend, whose opinion he respected as much as that of any member of the Profession, had rested some justification for it upon their old friend—one of the Bessborough Commissioners' Reports. His right hon. and learned Friend rested his case on the Bessborough Report, and also, he believed, on the unfortunate Index to that Report. He was sure the hon. Member for County Cork (Mr. Shaw) was not the author of that Index. His right hon. and learned Friend rested his case, then, on the Bessborough Report, and on its Index. But that Report was before the Government long before they framed this 47th clause, and they knew the opinion of the Prime Minister in reference to it and its modifications; and the Cabinet, in all their meetings, necessarily numerous, and in all their considerations, necessarily elaborate, in reference to this Bill, never drafted the present Amendment upon that Bessborough Report, or upon the paragraph in that Report—cautious and qualified as that paragraph was—which bore upon this point. With the Commission and its Evidence before them, the Cabinet deliberately elected to pass this matter by, and they brought in a clause which was substantially inconsistent with the Amendment now proposed by his right hon. and learned Friend. It was only recently that this change was introduced, for, so lately as the 29th of June, the Prime Minister said that the Government were not prepared, either with regard to present leases, or with regard to future leases, to lay down the principle that those who assented to the terms of a lease should be at liberty to question them before the Court during the period of the lease. And the right hon. Gentleman added that where a lease was entered into, it should be a real one and not illusory, and, above all, it should not be binding upon one side only. But the right hon. and learned Gentleman the Attorney General for Ireland, by his Amendment, drove a most disrespectful coach-and-four through that very clear statement of the Prime Minister, because

*Mr. Gibson*

he said that leases made since 1870 should be binding on one side only. The Amendment, in fact, gave the tenant power to go into Court to void the lease; and if he succeeded, instead of having to give up possession, he remained in possession with all the new benefits and equities established under the Bill. The opinion expressed by the Prime Minister on the 29th of June was expressed not so very long ago. After the good-humoured expression on the phrase "change of front," which had occurred that afternoon, he would not use the phrase again now; but he thought he was entitled to say that the Prime Minister had somewhat reconsidered his position since the 29th of June, and he was not sure, indeed, that the right hon. Gentleman did not do so on the following day, because on the 1st of July he made another speech of a not entirely satisfactory character, though he would not call it a "change of front." He only wished the Government had seen their way, in their wisdom and with their majority, to stand to the clause in the form in which they introduced it. This was a very important question—there could be no doubt about that—and it was a question which was quite entitled to a prolonged debate. But he did not think that even the most bitter enemies of the Conservative Party could accuse them of raising too long or exaggerated a discussion upon these points. He had touched as shortly as he could upon some of the points which had struck his mind as most strong; and, though he did not intend to grapple with them further, he should feel it his duty to divide the Committee against the Amendment moved by his right hon. and learned Friend the Attorney General for Ireland.

MR. O'SULLIVAN supported the Amendment, and declared that he had in his possession a number of cases which had occurred in Limerick, and on the estate of the Earl of Kenmare, and in other places where leaseholders had been very unfairly treated and had had to leave their holdings without any compensation. However, as the Committee were anxious for a division, he would not detain them by giving the details of these cases.

MR. GLADSTONE: It would not be consistent with the respect which we all

on this side of the House feel for the ability and integrity of the right hon. and learned Gentleman opposite, who has spoken so strongly on this subject, if I were to allow the Question to be put without saying one word upon it. Now, Sir, in the first place, I may say that a very large part of the right hon. and learned Gentleman's statement appears to turn upon a matter which has been already settled; and, undoubtedly, the general tenour of his speech was not such as to bring in view that which we conceive to be the essence of this matter. Let it be understood that there is no question depending between us now as to the condition of a leaseholding tenant at the termination of his lease. That is completely settled, and would not be in the least degree affected by the Amendment of my right hon. and learned Friend, which is now before us. The whole question before us now is this—Whether certain leases in Ireland are of such a character that the tenant ought not to be kept under the operation of those leases, but ought to be replaced in the position he would have held if he had never executed a lease at all? No doubt, it is the case that, whenever the lease terminates, he will be so replaced in that position; but the question is whether, in the case of such questionable leases, he ought to continue subject to the conditions of the lease until its specific term has run out. The right hon. and learned Gentleman opposite has made a reference, of which I cannot complain, to a speech made by me on the 30th of June, and to what he supposes to be a difference of opinion held by me between then and the 1st of July. I do not question the substantial accuracy of the words quoted by the right hon. and learned Gentleman; but the fact is that the point under discussion on the 30th of June was a point of rent in regard to existing leases, and it was in reference to that point of rent in regard to existing leases, and that point alone, that I said we were not prepared to interfere with existing covenants. On the 1st of July other points were raised—I speak from memory—and it was brought under the notice of the House that there were, in many of these leases, covenants which were totally contrary to the plain meaning and intent of the Act of 1870. The question, then, Sir, is this. Has there

[*Thirtieth Night.*]

been an abuse of power by landlords in certain cases in consequence and by virtue of the provisions of the Act of 1870? Have the tenants suffered, down to the present time, by that abuse of power, and, if they have, is there any reason why they should continue to suffer until the termination of the lease? Now, it is admitted, I understand, that if these were cases of fraudulent leases, such leases might be set aside; and it has been said by some that this is a case much weaker than a case of fraud. Well, Sir, that it does not correspond to a case of fraud I readily admit; but I do not think it is in the least necessary to enter upon a moral comparison between an act of the kind aimed at by this Amendment and a case of legal fraud. The only act aimed at by this Amendment is where the landlord has done two things to a certain person. That certain person having been a tenant from year to year at the time when the lease was made, and a tenant who would, presumably, have continued to be a tenant from year to year, the landlord has, in the first place, got him to accept a lease containing unfair and unreasonable provisions, and not only that—for we do not seek to release the tenant from the consequences of his own imprudence—but the landlord has, in the second place, enforced that unfair lease by the threat of eviction. That is the case in which we interfere, and I do say that, as we are now a Legislative Assembly, it is our duty to look at rules and principles of equity which are larger than those committed to the ordinary administration of the Courts of Law. I say, these are equities which are sound and right, upon special occasions, to be contemplated by a Legislative Assembly, even though, as a general rule, it may not be desirable or politic to remit them to Courts of Law. This is the case of a lease containing unfair and unreasonable provisions enforced by a threat of eviction. Was it the intention of the Act of 1870 that that should be done? Is any man ready to suppose that that was the meaning and intention? The intention was perfectly plain upon the face of it. It was, that if parties of their own will chose to commute the claim to compensation for disturbance given under that Act, they are at liberty to do so; but the presumption of the Act was plainly this—that

*Mr. Gladstone*

the lease was not to contain unfair and unreasonable provisions, and that it was not to be enforced by a threat of eviction. If a lease did contain such provisions, I say it was an abuse of the Act—I think I may even say, politically speaking, that it was a fraudulent abuse of the provisions of the Act—and it is within the high discretion of Parliament to give a remedy for such an abuse. We have no question here at all about the condition of the tenant at the termination of the lease; that is all settled. And the question now is, whether, when by legislation you have put the tenant into the position of having unjust provisions forced upon him by a threat of eviction, you cannot relieve him, and whether it is not your duty to relieve him from the operation of those covenants for the remainder of his lease by interposing the authority of Parliament.

SIR STAFFORD NORTHCOTE: The right hon. Gentleman looks upon the clause as carried in the Act of 1870 in a very different character now from that in which he looked upon it before. When Parliament was asked to pass the Act of 1870 the matter was put in this way. At that time there were to be provisions made for granting to the tenant compensation for disturbance; but the right hon. Gentleman, in introducing his Bill, stated that there would be other methods by which it would be possible to give the tenant the same advantage—that is to say, that instead of leaving him to rely upon a provision granting compensation for disturbance, there should be the alternative power of giving him a lease. And the way in which it was put was this. The right hon. Gentleman said—

“Many landlords may say that they do not object to granting security or stability of tenure, but that they prefer to do it by the method of lease rather than in the shape of compensation for eviction from yearly or other short tenancies. Where a lease is of competent length, we consider the parties to it must be understood to be perfectly cognizant of the relations into which they enter; and we consider it to be found by experience that the more definite those relations the greater will be the exertion of the farmer, the more fully will he develop the agricultural resources of the country, and the more complete will be, as a general rule, the satisfaction of all concerned.”

—[3 *Hansard*, cxcix. 377.]

That is a short extract from a speech from which I might make many others

to the same effect; and only a little while ago the Prime Minister reverted almost to the position that he took up at that time to justify the proposal to confine this provision which is now before us to leases made since the passing of the Act of 1870. He has quoted that Act as being one by which Parliament has given special facilities and special inducements to landlords to give leases. But now we are told—"Oh, we see there may have been cases, and there have been cases, in which this power has been used in a way which was not in accordance with the intentions of the framers of the Act." Well, I really do not know where we are to stop. If the lease was obtained by anything in the nature of fraud, it is admitted that there are means, by going to the ordinary tribunals of the country, to set aside its provisions. But this is not a case of fraud—it is a case in which some undue influence is supposed to have been used, or a threat of eviction. But what is meant by "a threat of eviction?" I thought that compensation for disturbance was exactly the weapon by which a threat of eviction was to be parried, and that whenever the landlord, after the passing of the Act of 1870—for it is only of that that we are now speaking—threatened to evict the tenant, the tenant would be able to say—"If you turn me out you will have to give me a very large amount of compensation." Therefore, this threat of eviction is a very different thing from what it may have been in former times, before this compensation for disturbance was granted. Then I should like to know what is to be considered "undue influence?" We heard in one instance that a tenant was induced to take a lease because he was moved by the wish of his wife, who did not like to leave the holding. You may say that that was an undue influence. In fact, you may say that anything and everything except the mere consideration of how much money can be made by the business of a farmer is an undue influence; and if a man is induced, by any personal consideration whatever, to give a certain rent for a farm for a certain period, he may be said to have been actuated by some influence other than the mere commercial one, and it might be called "undue." We have no test or guide as to how the words would be

construed; all we know is that they are not likely to be construed as a Court of Equity would construe them. But where are we to stop? The Prime Minister told us this afternoon that there is no use in using arguments which turn on the question of consistency or change of front, and I quite agree with him that those are arguments on which we should not lay excessive strength. But the real question is whether, in cases of this sort, what is proposed to be done is in itself equitable and is in itself expedient. Now, it appears to me that it is very questionable in equity to allow a contract deliberately entered into between persons of full competency to enter into contracts, and entered into with the deliberate consent of the Legislature, as in the case of these 31 years' leases, to be broken and set aside, because the tenant, on reflection, does not happen to like it. When one states a case in that way, it naturally limits the objection very materially. But the real question is—"What does this mean?" because you have a very undefined ground upon which you have to go. The hon. Member for Wexford (Mr. Healy) told us some time ago there was nothing sacred in parchment or sealing wax. Think what mischief you are doing by establishing precedents and rendering leases and contracts so insecure as you are about to make them. If you are going to lay down doctrines by which contracts in years to come may be set aside in the easy manner in which it is now proposed that these contracts should be set aside, or by which facilities should be given to destroy or greatly weaken the confidence between man and man which the system of contract is intended to build up, it seems you are doing a most unwise thing. I want to know whether, after the passing of this Act, we are to expect that there will be any more leases at all? Although a lease may be made much more in favour of the tenant than the landlord, the landlord is undoubtedly bound by it, and however the holding may increase in value he cannot raise the rent; whereas we know very well that if the profits fell off the tenant can give up the farm and the landlord cannot enforce the rents. Is there to be no equality in the treatment of the two parties? The hon. Member for Wexford, in a few sentences which had a

[*Thirtieth Night.*]

very fair ring about them, said he wished to do equal justice to the landlord and tenant; but I do not see anything here which is to give the landlord any relief if he had the misfortune to enter into a bad bargain. Suppose a tenant has been induced by undue influences to enter into a bargain, and that for several years his profits have been much greater than he anticipated, when a bad time came he could break the lease. It would matter nothing if he had made a great deal on the farm previously; and although years might have elapsed since he entered into the agreement, he could break the lease if he could prove undue influence. But how are you going to prove undue influence? In a great many cases the evidence may not be forthcoming, the original parties may be dead, you may have to deal with representatives, and you will have great difficulty in giving effect to these matters, and, at the same time, you will run the risk of committing great injustice. The task which is assigned to your Commission to fix a fair rent even for existing tenancies is an extremely right task; but when, in addition, you throw upon them the duty of finding what would have been a fair rent 10 years ago—and they could only gather that from the imperfect evidence of some of the parties to the transaction—you put upon them a duty which it will be almost impossible for them to perform properly. I am quite aware the Committee must submit to whatever the Government may desire and press in this matter; but we must enter our protest against the adoption of a principle which appears to be fundamentally unsound and inexpedient, and which, if allowed to go unchallenged, must result in the development of principles still more dangerous.

MR. GLADSTONE: The right hon. Gentleman opposite (Sir Stafford Northcote) has made an extract from my speech on this subject in 1870. I wish to assist in giving to the Committee and to hon. Gentlemen opposite a little more light as to what my view in 1870 was concerning the nature of leases; and I am very sorry that my right hon. Friend, owing to some inadvertence possibly, completely failed to read a material part of the passage in which I explained my view. I say in that speech, on page 48 of the corrected report—

*Sir Stafford Northcote*

"A landlord, then, may, according to the 16th clause, exempt his lands from being subject to any custom, except the Ulster Custom or from being subject to the scale of damages, provided he agrees to give the tenant a lease such as I will now describe. First, it must be for thirty-one years; and, secondly, it must leave to the tenant at the end of those thirty-one years a right to claim compensation under three heads—first, the head of tillages and manures, . . . secondly, for permanent buildings; and, thirdly, for the reclamation of land. But besides this, the lease must be, in regard to rent and to covenants, approved by the Court."—[3 *Hansard*, cxcix. 377-8.]

That, Sir, is the view upon which my right hon. Friend seeks to convict me and show me up for inconsistency, because we now say that the landlords who have inserted in leases covenants whereby the tenant renounces the claim to improvements at the end of the lease have acted contrary to the spirit and meaning of the Act. If hon. Gentlemen will turn to the first print of the Act of 1870 and to the 16th clause, they will see that it is there provided that a landlord may tender to a tenant a lease of a holding for a term certainly not less than 31 years, upon such terms as the Court may think fair. Such was the policy upon which the charge of inconsistency is now based.

MR. CHAPLIN said, he knew not how the right hon. Gentleman might stand with regard to consistency with what he said in 1870; but there appeared to be some slight inconsistency with what he had stated earlier in the evening. He had said that a lease, in the opinion of the tenants since 1870, meant the fixing of a settled rent and nothing else; and to-night he had pointed with triumph to his own description of a lease at that time which, so far from being a fixed rent, included tillage and manures, and covenants to be approved by the Court. What became of his arguments of a few hours ago? He (Mr. Chaplin) protested against the doctrines which had been advanced under the form of this Amendment. The Prime Minister would say to the leaseholder—"It is true that you have entered into solemn contracts and engagements, and my advice is, adhere to these engagements as long as they are profitable; but the day and the hour that you find them to your disadvantage, cast them to the winds." Why, he had asked, should the tenants in Ireland, if they had suffered up to now, continue to suffer any longer? He

would give the right hon. Gentleman one answer. The right hon. Gentleman had himself said, when passing the Act of 1870—

“This Bill will proceed on the principle . . . that from the moment the measure is passed every Irishman, small and great, must be absolutely responsible for every contract into which he enters.”—[*Ibid.* 380.]

Was it conceivable that that language proceeded from the same Minister who occupied the same position 11 years ago, and who now advised Irish tenants to break their leases?

Question put.

The Committee *divided*:—Ayes 201; Noes 109: Majority 92.—(Div. List, No. 315.)

THE CHAIRMAN: The acceptance of this Amendment rules out Amendments standing in the names of Mr. M'Coan, Mr. W. J. Corbet, Mr. Macfarlane, Mr. Shaw, Mr. J. N. Richardson, Mr. Marum, Mr. Lalor, Mr. Charles Russell, and Mr. Givan.

Mr. MACFARLANE moved an Amendment to provide that where a tenant had been induced to sign away his rights under the Ulster, or any other custom, the landlord should be able to prove that such resignation of those rights had been given for valuable consideration.

Amendment proposed,

In page 27, line 29, at end of Clause, to add “Provided such Ulster or other custom has been obtained for a valuable consideration.”—(Mr. Macfarlane.)

Question proposed, “That those words be there added.”

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think the Amendment necessary, and could not accept it.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*, and *ordered to stand part of the Bill*.

Clause 48 (Saving in case of inability to make immediate application to Court); Clause 49 (Application of Act); and Clause 50 (Short title of Act), severally *agreed to*, and *ordered to stand part of the Bill*.

Committee report Progress; to sit again *To-morrow*.

## MOTIONS.



### POTATO CROP COMMITTEE, 1880.

#### RESOLUTION.

MAJOR NOLAN, in rising to move a Resolution upon the question of the Potato Crop in Ireland, said, he was anxious to take a division on this subject, if the Government would not accept his Resolution. There had been great danger of a potato famine in Ireland; but it was prevented by the happy chance of a good new crop. Since then a Committee had been appointed on the question, and they had made recommendations which they believed would prevent the immediate recurrence of the plague. In the first place, they recommended that some small experiments should be made; and, in the next place, that new varieties of potatoes should be introduced into Ireland, as it had been found that some kinds of potatoes were out sooner than others. It would be easy to establish new varieties; but no one would undertake the task, as it was not a paying speculation. The potato crop was estimated at about £12,000,000 or £13,000,000 a-year. The third recommendation of the Committee was that small farmers should have brought within their power the means of purchasing good sound seed. It was said that that should be left to private enterprise; but private enterprise had never done anything in Ireland. He believed if the Government would place within the reach of the small farmers good sound seed, in that way they would confer an inestimable boon on Ireland. For this purpose he believed the best machinery would be the Poor Law Unions. His Resolution would not bind the Government, for he had made it as general as possible; and, with the leave of the House, he would now move it.

Motion made, and Question proposed,

“That, in the opinion of this House, it is expedient that Her Majesty's Government should take steps to carry into effect such of the recommendations of the Potato Crop Committee of 1880 as relate to Ireland, by promoting the creation and establishment of new varieties of the Potato; by facilitating the progress of further experiments as the best means of lessening the spread of the Potato Disease; and by bringing within the reach of small farmers supplies of sound seed to be obtained for cash payments.”—(Major Nolan.)

MR. W. E. FORSTER said, no one could complain of the manner in which the hon. and gallant Member (Major Nolan) had brought the subject forward. His proposals in the Seeds Act certainly did an immense amount of good in Ireland. He was also justified in the tone he took as to the Committee of last year. The Report of that Committee was most useful, and the evidence collected supplied much valuable information. He (Mr. W. E. Forster) was sorry he could not, on behalf of the Government, accept the Motion, for it would commit to the Government a duty they could hardly perform. They could not undertake to promote the creation and establishment of new varieties of the potato; but as to giving facilities for experiments to check the spread of disease, so far as these could be afforded through the means of the model farms, he was ready to give them. He would give that assurance; but he saw no advantage in making that an actual Resolution of the House in favour of a series of vague experiments. To the latter part of the Resolution, that the Government should bring within the reach of small farmers supplies of sound seed, to be obtained for cash payments, he objected as a duty which the Government could not undertake; but the model farms had proved themselves useful institutions, and he would have the subject brought before them, so that they should do all they could to encourage the object that the hon. and gallant Member had in view.

MR. O'SHEA said, the reply of the right hon. Gentleman illustrated the necessity of the appointment of a Minister of Agriculture, for it was absurd that there should be no means of providing due protection for the staple produce of the country. As to the dignity of the Government being brought into question in the matter, there need be no anxiety upon that point. It was not intended that they should be agents for the supply of new seed, but only that they should help, to some extent, in providing the means for obtaining it. The right hon. Gentleman said he would give advice to the model farms, and, no doubt, that would be useful; but what was proposed was, not that the Government should take on itself the distribution of seed, but that this should be done through the Poor Law Guardians, who had already done it, more or less satisfactorily—they would be the distributing agents,

not the Government itself. This matter, was of the greatest importance to Ireland, and his hon. and gallant Friend (Major Nolan) had done good service in bringing it forward. He sincerely hoped the Government would give a little more practical assistance than platonical advice to the model farms to look after it. Of so much importance was the matter, that he hoped a division would be taken to test the feeling of the House.

MR. HEALY said, he should like to suggest that the Government should do something in the way of experiments, by placing a small sum for the purpose upon the Estimates—say, £100. That was not much to ask, considering the amount of taxation Ireland paid, and the value she received in return. According to Thorn's Statistics, the value of the potato crop, in good years, amounted to £12,000,000, and by the failures caused by bad seed this had fallen to £3,000,000—a total loss from this cause of £9,000,000 in the produce of the country. For the sake of a little expenditure on behalf of the Government, was all this waste to go on? It was when dealing with such subjects that Irishmen felt the want of a Parliament of their own. On such a matter, involving so much national interest, no National Assembly would begrudge a little expenditure. A sum of £100 would enable Professor Baldwin and his staff to do much in the way of experiment.

MR. MITCHELL HENRY said, he was glad to hear that the Government would direct the attention of the model farms to the subject, and he hoped that these experiments might be supplemented by other experiments on the Land League model farms, which the League had on their hands.

MAJOR NOLAN said, that for the purpose of carrying out experiments, one or two farms should be taken temporarily for a few years. He did not think model farms could do everything; what was wanted was the raising of new varieties of seed. Model farms were always anxious to produce good balances, and the raising of new kinds of potatoes was not a paying operation; so, with the desire to show a good balance, proper attention would not be bestowed on the experiments. Some more assistance was wanted, some increase in the Estimates. As to the dignity of the House and the Government not being

compatible with dealing in a staple of food, really he could not regard that as an argument; the Poor Law Guardians would do it.

SIR JOHN LUBBOCK said, the hon. and gallant Member (Major Nolan) had so mixed up two entirely different questions that he would prevent many hon. Members from supporting his Resolution. There was a great deal to be said in favour of experiments that would throw light upon the nature of potato disease, and it could hardly be expected that these would be undertaken by individuals at their own expense. But the third part of the Resolution was of a very different character. He did not see how the Government could undertake to bring sound seed within the reach of farmers. If potato seed, then it might apply to all seeds; and that would be entering into a business Government was quite unfitted to carry on. If the Resolution were modified by the omission of the latter part of it, then he would support it.

MAJOR NOLAN said, as the hon. Member for the London University (Sir John Lubbock) was a very high authority, he would be happy to withdraw the latter part of his Motion.

MR. SPEAKER: The hon. and gallant Member can, with the leave of the House, withdraw the whole of his Motion, and bring it up again in an amended form.

MAJOR NOLAN asked, could he bring it up again now?

MR. SPEAKER: No; the hon. and gallant Member cannot take that course.

MR. DENIS O'CONOR asked, would it not be open to an hon. Member to move to amend the Resolution?

MR. SPEAKER: It is open to an hon. Member to do so.

MR. DENIS O'CONOR then moved that the words

"and by bringing within the reach of small farmers supplies of sound seed to be obtained for cash payments" should be omitted.

Amendment proposed, to leave out from the word "Disease," to the end of the Question.—(*Mr. Denis O'Conor.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. W. E. FORSTER said, that would take away the chief objection to

the Resolution; but he should prefer that the Resolution should run—

"By facilitating the progress of further experiments as to the best means of lessening the spread of the potato disease and promoting the creation and establishment of new varieties of the potato."

But he supposed he was too late in proposing this alteration.

MR. SPEAKER: If the Amendment and the Motion are withdrawn, the Resolution could be brought up in the form proposed by the right hon. Gentleman.

MAJOR NOLAN said, he should like to know if the Government would bring it up, so that it might be passed this Session?

MR. W. E. FORSTER said, he would put it on for the next night. He wished to avoid any misunderstanding; he could not undertake that a Vote should be placed on the Estimates this year; but he would make it his duty to consult Professor Baldwin and others, to obtain information as how to best carry out the progress of experiments, and the best means of arriving at the result desired.

MAJOR NOLAN said, but would the Resolution be passed this year?

MR. W. E. FORSTER said, yes; he would put it on the Paper at once.

Amendment and Motion, by leave, *withdrawn*.

#### POOR RELIEF AND AUDIT OF ACCOUNTS (SCOTLAND) BILL.

##### ADDITION TO SELECT COMMITTEE.

Motion made, and Question proposed, "That Sir EDWARD COLEBROOKE and Mr. ARTHUR BALFOUR be added to the Select Committee on the said Bill."—(*The Lord Advocate.*)

EARL PERCY said, some reason should be forthcoming for these additions, for there were already 19 Members nominated. The practice of increasing the number of Members on Committees was growing very prevalent. He was not aware why two more names should be added to the 19.

THE LORD ADVOCATE (MR. J. M'LAREN) said, he might inform the noble Earl that the hon. Baronet the Member for North Lanarkshire (Sir Edward Colebrooke), whose name it was proposed to add, took a very active part in the Committee of 1871 which sat on the



Scotch Poor Law Administration. The hon. Baronet would have been originally nominated for the Committee, but for the circumstance that he was not in town when the list was made out, and it could not be ascertained whether he was willing to serve; but, on his return, he expressed his wish to have his name added. That was accordingly done, and the name of another Member from the other side of the House was also added, under the usual arrangement of Committees.

MR. SPEAKER: I was not aware that the Committee had been ordered to consist of 19 Members. This Motion must be preceded by the usual Motion to increase the number.

Question, "That the Select Committee on the Poor Relief and Audit of Accounts (Scotland) Bill do consist of Twenty-one Members,"—(*The Lord Advocate*,)—put, and agreed to.

Original Question, "That Sir EDWARD COLEBROOKE and Mr. ARTHUR BALFOUR be added to the Select Committee on the said Bill,"—(*The Lord Advocate*,)—put, and agreed to.

#### BILLS OF EXCHANGE BILL.

On Motion of Sir JOHN LUBBOCK, Bill to consolidate and codify the Law relating to Bills of Exchange and Promissory Notes, ordered to be brought in by Sir JOHN LUBBOCK, Mr. ARTHUR COHEN, Mr. LEWIS FRY, Sir JOHN HOLKER, and Mr. MONK.

Bill presented, and read the first time. [Bill 218.]

House adjourned at a quarter after One o'clock.

#### HOUSE OF LORDS,

Wednesday, 20th July, 1881.

MINUTES.]—PUBLIC BILL—*First Reading*—Reformatory Institutions (Ireland) \* (172).

The House met;—And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter before Five o'clock.

*The Lord Advocate*

#### HOUSE OF COMMONS,

Wednesday, 20th July, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Statute Law Revision and Civil Procedure \* [219].

Committee—Land Law (Ireland) [135]—R.P.; Removal Terms (Scotland) [8]—R.P. Withdrawn—Lord Lieutenants of Counties (Ireland) \* [180]; Leases \* [108].

#### TRANSVAAL RISING.

##### OBSERVATIONS.

SIR MICHAEL HICKS-BEACH: Sir, it may be convenient to the House that I should take the earliest opportunity of stating what course I intend to pursue with respect to my Notice of Motion on the Transvaal; and it will be necessary, therefore, very shortly to recapitulate what has occurred on the matter. Before the Easter Vacation, I gave Notice of the Motion, which was in its terms a direct Vote of Censure on Her Majesty's Government for the course which up to that time they had pursued in the Transvaal. I asked the Prime Minister to afford me an opportunity for the discussion. He then suggested that it would be better I should first endeavour in the ordinary way to find an opportunity for myself. I did so without success. I again appealed to the Prime Minister, after Easter, to give me a day, and his reply was that circumstances which had occurred in connection with the capture and re-occupation of Potchefstroom had altered the position of affairs to such an extent that if there were to be a discussion then it would be injurious to the Public Service. I felt myself bound to accept that reason for delay, which, of course, was based upon circumstances which could only be known to Her Majesty's Government. But I wish to say, in passing, that I hope we shall have at some time or other an explanation of the circumstances which justified that statement, for I have not been able to discover any in the Papers presented to the House. That reason for postponement was renewed from time to time, and it was only about a month ago that the right hon. Gentleman informed us it no longer existed; and then he stated that the exigencies of the Land Law (Ireland)

Bill prevented my Motion from being discussed. I think it was a very exceptional reason to give for the delay. I should have thought it was almost unprecedented for any Government to postpone a discussion on a Vote of Censure upon a question of high policy likely to receive the general support of those sitting on this side of the House on the ground of the necessity of proceeding with any measure of legislation, however important, as to which there was no absolute or statutable necessity that its consideration should be concluded by a particular day. But I felt the difficulty of the position, and I did not think it right to press the right hon. Gentleman in a manner which the Forms of the House would have permitted me to do. The result of all these postponements has been this—that a Notice of Motion of the character to which I have referred, and which I gave early in April, in the natural hope and expectation that it would be discussed within a very short period, has been postponed for a period of three months, and a day is now offered me, the 25th of July, at a period of the Session when it is perfectly notorious that any Government, from circumstances well understood, can command a majority entirely disproportioned to the real division of opinion in the House. That period coincides with the time at which it has occurred to the right hon. Gentleman that this discussion can no longer be delayed, and that it has become so immediately imperative that if I do not proceed with my Motion he will provide somebody else to take my place. There is another point also to which I would refer. We were told only yesterday that a Paper containing the Convention which will be settled by the Royal Commission in the Transvaal, a document of great importance for the full consideration of the whole subject, will be in our hands before the close of the Session. [Mr. GLADSTONE: Probably.] Well, I think the right hon. Gentleman went rather farther than “probably;” but, at any rate, he led us to suppose there was good reason to expect that that would be the case. I felt, considering the very long period for which my Motion had been already postponed, that a postponement of a few weeks longer—possibly of a few days—would not of itself be any serious matter, and that a knowledge of this

document would certainly be a great gain to the complete consideration of the whole subject by the House, and, I will add, to the fair judgment of the policy pursued by Her Majesty's Government. Her Majesty's Government have very naturally expressed from time to time their great desire that this whole subject should be completely and fully discussed, and their confident belief that the fuller and more thorough and searching that discussion should be the more triumphant would be their vindication. Therefore, I must say that it is unaccountable to me why, with the prospect of having so soon in our possession all the materials by which we might form a thorough judgment, not only as to the past, but also as to the present and the future of this question, Her Majesty's Government should insist that this is the moment, and the only moment, when the discussion must take place; and that we must, in fact, form a judgment in this House which, in the present state of our information, I will venture to say as regards the present and the future can only be, if it be in favour of the Government, an expression of the blind confidence of their loyal supporters rather than the deliberate decision of the House of Commons, fully acquainted with the whole course and conduct of the policy which has been pursued. Well, Sir, I feel that what has occurred has seriously prejudiced the chances of the Motion of which I have given Notice, quite irrespective of the merits of that Motion in itself. I feel that I have been placed in what I can only describe as an unfair position; but I will not allow that to make me shrink from what I believe to be my duty in this matter. I intend, in spite of these disadvantages, to ask the judgment of the House, even at this inconvenient time and in this inconvenient way, upon the question of which I have given Notice; and on the understanding that Monday will, without fail, be devoted to the discussion of this Motion, I will proceed with it.

MR. GLADSTONE: Sir, I must own it appears to me that the right hon. Gentleman has gone far beyond the limits which might fairly be allowed him in giving a narrative of the circumstances connected with the postponement of his Notice of Motion. He has absolutely compelled me to note several of the assertions he has made; but I shall en-

deavour to confine myself in the strictest manner to the points he has raised. As regards his narrative of what has occurred I have no objection to take; it is perfectly accurate, I believe; and it is quite proper that we should explain the grounds why we considered the circumstances which occurred at Potchefstroom justified the postponement of the question. Probably it would not be convenient, however, that I should do that now; but it shall be done at a future time. The right hon. Gentleman says that his Motion has been prejudiced by what has taken place. Now, it is a very odd thing that in the first conversation I had with my noble Friend (the Earl of Kimberley) on this question, that is the very observation he made, but in the reverse sense. He said—"Our case has been extremely prejudiced by the delays which have occurred." Such are the different views taken in regard to it. I then told him that I believed that the right hon. Gentleman took the same view of his side of the case. The right hon. Gentleman says we have strangely insisted that this is the moment, and the only moment, at which this question can be discussed; and that we insist upon its being discussed, after all these postponements, before the production of Papers which may place us in possession of the Convention before the end of the Session. We have expressed that hope, because we entertain it; but it is a pure matter of opinion. It is absolutely impossible for us to say that the Commissioners will be able to bring their business, which is very complex and diverse, to a close at a particular time. The opinion I have given is the best that we can form, and the right hon. Gentleman will take it for what it is worth. But it is quite a mistake to suppose that we are pressing Monday next as the only moment for the discussion. If the right hon. Gentleman thinks it more advantageous to take a later day, on the chance of obtaining this Convention, we shall be quite ready to fall in with his view. But it is not for us, who have been so often obliged to point out the obstacles in his way, to propose any delay whatever except what was required by the necessity of the case, and the necessity of the case we consider to terminate with the Committee on the Land Law (Ireland) Bill. The right hon. Gentleman, therefore, must understand

that it is perfectly free to him, without the slightest departure from our engagement to promote the discussion, to exercise his own judgment upon whether he will propose his Motion either on Monday, or take it upon a later day. I leave that entirely to his own consideration. The right hon. Gentleman spoke of our having a great desire for this discussion. That is far from being an accurate statement of the case. The Notice having been given and speeches having been made—extraordinary charges in extraordinary language from most responsible persons having been advanced in "another place," and in other places, and brought before the public by Members of this House as well as by others—under these circumstances, we expressed a desire that there should be a full discussion and a definite issue. If the right hon. Gentleman interprets that as meaning that we are of opinion, viewing the interests of this country in South Africa, the division of races, and the balance of probabilities there, that this discussion is in itself desirable, I must say that is not the case, and I must throw upon him the entire responsibility of having raised it. I cannot speak too explicitly on that subject. I cannot say for myself that I should have done anything whatever to promote the discussion. The right hon. Gentleman says he thinks it astonishing that we should have urged the Land Law (Ireland) Bill as a reason for the postponement of a debate upon a Vote of Censure. I am ready so far to meet the right hon. Gentleman as to say I think that observation would be perfectly just and sound were the Irish measure simply a measure of legislative importance, such as the Land Act of 1870 was. But the Land Law (Ireland) Bill at every stage of its progress has stood in the closest and most immediate connection with the peace and tranquillity of Ireland, with the security of life and property in that country; and it was on that account, and on that account alone, that—admitting the urgency, with regard to time, of the Vote of Censure—we felt it necessary to ask the House to continue the debate upon the Land Law (Ireland) Bill until we reached the close of the Committee, when an interval might be given for the disposal of this matter without any serious public inconvenience. Then the

*Mr. Gladstone*

right hon. Gentleman says that it is notorious that an Opposition cannot possibly with justice to itself raise a question of this kind on the 25th of July. That may be the opinion of the right hon. Baronet; but it is rather too much to say that it is "notorious." I should rather say the reverse is notorious; and though it is true that for ordinary purposes towards the close of the Session the Government is strong and the Opposition is weak, yet, when a very serious question is brought forward, there is nothing to prevent the Opposition from carrying on its conflict with exactly the same facilities and with the same prospects as at any other period of the year. Why, Sir, I have seen those Benches crowded with a Conservative Opposition on the 1st of September. It is rather hard to say that on such a question and with all their public spirit, on the 25th of July the friends of the right hon. Gentleman cannot be brought together. Then the right hon. Gentleman, with a taunt which he did not perhaps intend, and which is of no great consequence, says that I have contrived the matter so that if he does not bring forward his Motion I will provide somebody else to do it. Well, I want to know whether my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) is a person so absolutely known to have no independence whatever of character or action? He was the person who first put the Motion in defence of the Transvaal policy on the Notice Paper; and now I am told that I have provided him in case the right hon. Gentleman does not come forward, and that the hon. Member for Carnarvonshire (Mr. Rathbone) is simply an alternative to my hon. Friend the Member for Carlisle, who would infallibly come into the field. Upon my word, I have not consulted either of them; but I would venture to lay 10 to 1 that if the hon. Member for Carnarvonshire withdrew his Motion the hon. Member for Carlisle would be forthcoming to give effect to his opinions, and that very promptly, indeed, after the withdrawal of the hon. Member for Carnarvonshire. I repeat the expression that we have been compelled by a sense of public duty to take a course which is certainly unusual, under very unusual and very peculiar circumstances.

MR. RATHBONE gave Notice that if the right hon. Baronet retained the terms

of his Notice he would move the Amendment thereto which he had put upon the Paper; but if the right hon. Baronet altered it, he would reserve to himself the right of varying the terms of his Amendment. He might say that many independent Liberal Members had their own opinions, and did not always agree with the Government upon this question.

### ORDERS OF THE DAY.

#### LAND LAW (IRELAND) BILL.—[BILL 135.]

(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [THIRTY-FIRST NIGHT.]

[Progress 19th July.]

Bill considered in Committee.

(In the Committee.)

#### POSTPONED CLAUSES.

Clause 12 (Sale of tenancy without notice of increase of rent).

Question proposed, "That the Clause stand part of the Bill."

MR. MACFARLANE said, he wished to ask a question on a point of Order. He had risen at 1 o'clock in the morning to move an Amendment, which he had had upon the Paper for about two months; but, before he could move his Amendment, an Amendment to the same clause was moved by the right hon. and learned Gentleman the Attorney General for Ireland. At the close of the discussion upon the right hon. and learned Gentleman's Amendment, the Chairman called upon him (Mr. Macfarlane) to move his Amendment as it originally stood on the Paper, and as it remained unaltered, except that the additional words moved by the right hon. and learned Attorney General for Ireland had been added to the clause. On being called upon by the Chairman to move his Amendment, he thought he had the right to assume that, in having been so called upon, the Amendment itself was in Order; but the right hon. and learned Gentleman the Attorney General for Ireland, assuming for a moment the functions of the Chair, got up and told him that the Amendment was not in Order, that it could not be moved in that place, and that if it was to be moved at all, it

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should have been moved before his own Amendment. The question he now wished to ask the Chairman was this—who was to regulate the order in which Amendments were to be called? Was it the Chairman, or hon. Members who had Amendments on the Paper? He would not say that his Amendment was of very much importance. He said nothing about its importance or non-importance. That had nothing to do with the question. What he wished to call attention to was the effect of the proceeding, because, upon another occasion, it might have the effect of striking out some very valuable Amendment. He (Mr. Macfarlane) had accepted the ruling of the right hon. and learned Gentleman last night, acting in the place of the Chairman, and he had accepted the right hon. and learned Gentleman's decision that the Amendment was out of Order; but, at the same time, when Amendments had been placed on the Paper, he thought it was a duty the Chairman owed to the Members who gave Notice of them to see that they were taken in the proper place. The Amendment of the right hon. and learned Attorney General for Ireland was only a week old, whereas his (Mr. Macfarlane's) was at least two months old. He wished to know who was to regulate the order in which Amendments were to be called, whether it was the Member in whose name an Amendment stood or the Chairman?

THE CHAIRMAN: The question of the hon. Member is a natural one from his point of view; but there was no irregularity in the course that was actually taken. Whenever there are a number of Amendments in the same place, which in this case was the end of the clause, the Government Amendments, by the practice of the Committee, have precedence. The Amendment of the hon. Member, coming after the part relating to the Ulster tenant right custom at the end of the clause, would have been in Order had not the Committee, at the instance of the Government, added a number of lines which prevented the Amendment of the hon. Member from being put in that place, because it then had no connection with the words which appeared previously in the clause. But the hon. Member is not without redress. He will have full opportunity of moving his Amendment on the Report.

*Mr. Macfarlane*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, his hon. Friend (Mr. Macfarlane) must have misunderstood what he had said. He did not object to the proposal of the Amendment on the ground of Order; but because, if it were proposed after the adoption of his (the Attorney General for Ireland's) Amendment, it would make nonsense of the clause. It had reference entirely to the Ulster Custom, and if it were tacked on to the end of the clause after the words which had been added to the clause, it would have made the latter part of the section quite insensible.

MR. WARTON said, he wished to point out, on the question of Order, a matter which ought to act as a guide and warning to the printer of the Votes. There were two sorts of additions to a clause. One was the addition of part of a sentence which was to be read with part of another phrase. The other was the addition of entirely new matter, such as the right hon. and learned Attorney General for Ireland had proposed in this instance. Therefore, as a point of Order, he would submit that a sentence which formed, with the concluding sentence of a clause, one harmonious whole, ought, by every right of reason and grammar, to have precedence of Amendments which, although coming at the end of a clause, had, nevertheless, no connection with it.

MR. GLADSTONE: With respect to Clause 12, I may remind the Committee that the well-understood purpose of the clause was simply to provide for a possible interval between the engagement of an incoming tenant and an outgoing tenant, and the incoming tenant being accepted by the landlord. But I am now assured by the legal authorities, who are unanimous on the point, that alterations made in a later clause of the Bill will secure the object this clause was intended to meet, and therefore Clause 12 will be quite unnecessary.

Question, "That Clause 12 stand part of the Bill," put, and *negatived*.

Postponed Clause 15 (Provision in case of title paramount).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 11, line 25, after "holding," insert "the estate of."

Question, "That those words be there inserted," put, and *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 11, line 26, to leave out from "is," to "during" in line 27, and insert "determined."

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived*.

Question, "That the word 'determined' be there inserted," put, and *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 11, line 27, after "tenancy," insert "from year to year, whether subject or not to statutory conditions."

Question proposed, "That those words be there inserted."

MR. GIBSON said, the clause, as originally proposed, would have given rise to the most extraordinary and startling consequences. If it had not been amended, this strange consequence might have been the result—namely, that a man might have got a lease of 10 years from the immediate landlord and the lessee might have sublet a large portion of the holding at a nominal rent for 1,000 years, and the head landlord would have found himself saddled with this lease for 1,000 years, and would only be entitled to this nominal rent. The Amendments proposed by his right hon. and learned Friend the Attorney General for Ireland obviated a result so startling, and they were very much an advance on the original clause in the direction of common sense and simplicity. But he thought that a case had not been made out for even so wide a change as was now applied. It appeared to be a hardship that in the case of a long lease the sub-lessee who, with his family, might have been in possession of the farm and holding for generations should at the termination of the lease, and at the end of the tenancy, find himself, from no fault of his own, deprived of his holding. On the other hand, the Amendment of his right hon. and learned Friend was so widely drawn that a man who came in as a sub-tenant six months before the termination of a long lease would be given all the benefits which the Act of Parliament, and

this section, conferred upon a present tenant. The clause, therefore, was much wider than the exigencies of the case demanded. It would be better to say a "sub-tenant from year to year who had been in occupation" for a certain definite period, naming the period. The clause entitled the sub-tenant to the immense rights and privileges it was now proposed to confer on a present tenant; and it would be clearly unreasonable to the head landlord, under all the circumstances of the case, to permit such a state of facts, that a week or a month before the termination of a long and an old lease the lessee might create a series of sub-tenants from year to year, who would come in with the right of having their rents fixed and to a statutory term granted. He did not propose at the present moment to challenge further the introduction of the words submitted by his right hon. and learned Friend; but he had thought it right to point out what he considered to be a fair and reasonable objection to them. He would, however, ask his right hon. and learned Friend on the Report to introduce words which would prevent the landlord from being deprived of his rights in consequence of a lessee unfairly dealing with the property shortly before the termination of the lease.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would consider the matter before the Report; but he did not think that the difficulty suggested by his right hon. and learned Friend was likely to arise. On the contrary, the arrangements made by the lessee whose tenancy was about to expire would be for his own advantage, and not for those of another person. He would, however, consider whether it was not desirable to introduce an Amendment which would prevent a mischievously disposed lessee from sub-letting for the purpose of doing harm to the property without securing any corresponding amount of good for himself.

MR. MARUM pointed out that if a head landlord originally conferred a right upon a middle-man, it would only be the consequence of his own act if the lessee availed himself of such right. He could not take advantage of his own wrong, and could not complain if the power he had originally given was exercised.

Amendment *agreed to*.

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THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 11, line 29, to insert after the word "in" the word "the."

Question, "That the word 'the' be there inserted," put, and *agreed to*.

MR. HEALY moved, in page 11, line 31, at the end of the clause, to insert—

"Every tenancy to which this Act applies shall be deemed a present tenancy until the contrary is proved."

The hon. Gentleman said the Amendment would have come better in the next clause, and it was by a mistake on his part that it had been connected with the present one. It could, however, do no harm at the end of Clause 15, and therefore he would move it. His object was to throw the burden of proof in all cases upon the landlord. There could be no injustice in making such a provision, for this reason—that the landlord and his agents were the persons who kept the books, the legal documents, and all the estate dockets; whereas the tenant was generally an illiterate man, who kept no books or records at all. Of course, an Amendment of this nature would have very little effect at the present moment; but at the end of 30 years, when it became necessary to prove that the tenancy was a present tenancy, the burden of proof instead of being thrown on the illiterate tenant would rest with the landlord, who would have kept all the books and records. He did not think it was too much to ask under such circumstances that the onus should rest upon the landlord.

Amendment proposed,

In page 11, at end of clause, to add—"Every tenancy to which this Act applies shall be deemed a present tenancy until the contrary is proved."  
—(Mr. Healy.)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think that the words proposed to be added by the hon. Member would come in well at the end of the present clause. It would, therefore, be more convenient to discuss the matter on the Report, and he would undertake to consider it before the Report was brought up. The hon. Member admitted very fairly that the difficulty would not arise immediately, but was one which was only likely to

occur at some future time. In the meantime, proof would be easily available that the tenancy was a present tenancy, or, at least, it would be only in very rare cases that any difficulty could arise.

MR. HEALY said, they were told that it was not the object of the Bill to drive the tenants into Court; but he was afraid there would be a great number of disputes in reference to ordinary tenancies, where the aid of the Court would be invoked. The tenant would claim the rights of an ordinary tenancy, and unless the landlord filed an objection to that claim it would be allowed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he hoped the hon. Member would withdraw the Amendment and bring it up on the Report. He thought it was possible to devise some means of putting the tenant's claim on record, and of thus preserving the rights of the tenant for the future.

MR. HEALY said, he was anxious that the House should not be required to thrash all these questions out again upon the Report. They were subjects that would be much more satisfactorily dealt with in Committee. On the Report, an hon. Member would only be entitled to make one speech; and it would be inconvenient to be followed on the Report by hon. Members who took very little interest in the matter, without having the power to answer them. He would be content, however, if the right hon. and learned Attorney General for Ireland would promise to bring up a new clause.

MR. GLADSTONE: There would be great force in what the hon. Member says if it were not for two considerations—in the first place, that the words cannot be inserted here, and the matter must, therefore, be postponed; and next, that the other parts of the Bill will afford conclusive proof as to the nature of the tenancy.

SIR GEORGE CAMPBELL said, he was glad that the Attorney General for Ireland had engaged to consider the matter. It would be a great disadvantage if the want of a record should prejudice the rights of the tenant.

Amendment, by leave, *withdrawn*.

Question, "That Clause 15, as amended, stand part of the Bill," put, and *agreed to*.

Postponed Clause 27 (Supply of money to Land Commission for purposes of Act).

MR. GLADSTONE: We now come to Clause 27. The right hon. Gentleman opposite (Mr. W. H. Smith) has given Notice of his intention to move the omission of this clause, with a view of submitting a plan of his own; but I think I shall be able to show some grounds why the right hon. Gentleman should not press his Amendment. The points which I wish to state principally are these. First and foremost, it is quite obvious that during the present Session—I do not say during the present financial year—we can make no other than a purely provisional and initial arrangement. I do not speak now of the plan of my right hon. Friend the Chief Secretary, with respect to arrears. That is a definite plan, and can be treated apart from every other financial question. It contemplates drawing money from the Church Fund; but I do not hesitate to say that if hereafter it is found desirable to make the Church Fund available for any other and larger purpose than that of arrears, we should be quite prepared to move any obstacles in the way of the plan, by carrying over the whole of the arrear arrangement bodily to the Consolidated Fund for the sake of getting it out of the way. But, speaking of the other great financial demands which may arise under this Act, first and foremost come the advances required for the purchase of estates, and behind that come the questions with respect to the reclamation of land, agricultural improvements, and emigration. With respect to these questions, it is quite impossible that we can have any light whatever, or any means of estimating what we ought to propose, until the Act is passed, the Commission has met, and its establishment and offices have been got into working order, and until it has begun to receive applications from persons proposing to take advantage of the provisions of the Bill. We can only make a proposal in the present Session—I distinguish broadly between the Session and the financial year—because in February next it is quite possible and highly probable that we may be able to propose a more definitive and broader arrangement. We only propose to take the clause which constitutes a charge on the Consolidated Fund. We shall have to ask the House, on the Public

Loans Act, to vote £1,100,000 for advances in Ireland under Acts already existing; and we shall propose, in order to have an ample margin for any calls that may arise—although it is really difficult to say whether any serious call could arise before the month of December—we propose to raise that sum to £2,000,000. That could not prejudice any conclusion to which the House may desire to arrive. That is my first point. My second point, is to notice the plan sketched out by the right hon. Gentleman the late First Lord of the Admiralty (Mr. W. H. Smith) in his speech on the second reading of the Bill, and which he has since embodied in certain clauses, with one object and principle which apparently lies at the root of his ideas. He is desirous of constituting an Irish Fund, and he conceives that that can be done, first of all, by providing an insignificant nucleus from the resources of the Church Fund. Although that nucleus is inconsiderable in itself for purchasing purposes, compared with the large sums that would be required for the purchase of land in Ireland under the provisions of the Bill, it must be remembered that the money that is laid out in purchasing operations would immediately begin to trickle back, if I may so say, into the Exchequer, through the re-sales, and a very considerable fund, we hope, will be provided in that way. But it is not possible at this moment to say what proportion the nucleus which would provide the means for the first advances would bear to the amount of the sales; and the nucleus which the Church Fund would afford would only enable us to set out on a somewhat limited scale. Until we know what the scale is on which we will have to set out, we cannot enter with advantage upon the consideration of this question. If the demands appear to be likely to be spread over a considerable space of time, it will be possible to organize, with general satisfaction, a plan on the footing proposed by the right hon. Gentleman. But I may say this, that, so far as we can make a calculation at present, and speaking very roughly, we are inclined to say that about £10,000,000 of purchases may be made on the basis proposed by the right hon. Gentleman within a period of six years. That is the best information I can give, and it must be taken with some indulgence and



some liberty, for nobody can tell at this moment whether that would be an adequate provision or not. Therefore, the upshot of what I have to say is that the Government propose to adhere to this clause for the time, without prejudice to any future action. But, as it is absolutely necessary to make some provision at the present moment for possible contingencies, it is eminently desirable that a more definitive statement of the provisions we propose to make should not be made now, but that it should be reserved. With these few observations, I would propose to retain the clause as it stands.

Motion made, and Question proposed, "That this Clause stand part of the Bill."—(*Mr. Gladstone.*)

**MR. W. H. SMITH:** After the statement of the right hon. Gentleman, I shall not persevere with the Notice which stands on the Paper in my name. I am sure the right hon. Gentleman will acknowledge that I have not given that Notice with any feeling of hostility to the proposal to set up a peasant proprietary in Ireland. On the contrary, I am convinced, from the experience which I gained when in Office, that the present system has been practically a failure. There has been, up to the present moment, something like 800 peasant proprietors in Ireland constituted under the Act of 1870, and less than one-half of the sum of £1,000,000 sterling which was authorized to be advanced by the Act of 1870, has been appropriated for the purpose. I am sure the right hon. Gentleman will feel that fair play has not been given to the scheme, and that the difficulties connected with the administration of the money, and the circumstances in which the Fund was placed are so great, that I am not sanguine that any scheme on the same lines can be really successful. In the first place, it will be understood that it is the duty of the Treasury, and very properly so, to exercise a wholesome check upon the expenditure of the public money, and to be extremely jealous as to the value of the security which is offered for public loans. It must also be borne in mind that under the provisions of the Bill as they now stand it will be necessary from time to time, and from year to year, to apply for an Act to authorize the expenditure of the money; and as there is likely to be a discussion

in which different opinions may be expressed, I do not think that any public financial authority can be very earnest in its desire to give full effect to this scheme. I have the greatest confidence that the proposal which I intended to lay before the Committee would have been found to work successfully in practice. That proposal was, that an Irish Fund should be established on the security of Irish property, and administered by Irishmen in Dublin, competent men and desirous of insuring its success. I am confident that such a scheme, if carried out in that way, would have had fair play given to it. In the first place, it is quite certain that many of the purchasers of land who will avail themselves of the facilities which will be afforded under any scheme will be more or less unsuccessful. It will require strong and vigorous hands to see that the object the Government have in view in constituting a solvent, an independent, and a thriving peasant proprietary is attained. In order to do that, it will be necessary to deal from time to time with a man who has proved to be a complete failure, and to turn such a man out of his holding and sell it, because he is utterly unable to comply with the conditions which are necessary in order to secure success. I venture to say that a Government officer, acting on the responsibility and on behalf of a Government having a Chief, whose position must always be regarded from a political point of view, would really be placed in a position of the greatest possible difficulty, and would hardly be able to discharge his duty—so that the success of the whole scheme would be imperilled. We should have growing up a number of men with small means—weak men with a load hanging round their necks—and a new Encumbered Estates Bill and a new application of the public money would be necessary; and we should arrive at this position—that, at the end of four or five years, there would be a general admission that the scheme had failed, because the officers of the Government were really incapable, under the circumstances, of giving effect to it. Then I come to consider how the scheme would work if you constituted what would practically be a Land Bank, with officers alike responsible to the Government and the country and to the people of Ireland, for the manner in which they carried out the scheme and administered the fund

*Mr. Gladstone*

intrusted to their charge. We should have to consider first of all what the security would be which the intended bondholder would give. He would have to give the security of the margin of 25 per cent, either of his own money or of money obtained from his friends. The Commissioners would have the security of the new interest given by this Bill to the tenant and the occupier, and the tenant himself would have the great individual security that the fund would be preserved intact for the benefit of the whole community. That, I think, would be a powerful and a strong additional security. I agree with the right hon. Gentleman the Prime Minister that the sum of £2,000,000 placed at the disposal of the Commissioners, taken by itself, would be a comparatively small sum on the strength of which to undertake very large operations; but I am convinced that, taking that sum with the security I have referred to, strengthened by an honest and careful administration, a very large sum might be raised by means of debentures secured on the property which the Commissioners would have to administer. Let us consider how the system would work. There would be an income at once secured to the Commissioners of £60,000 a-year from the fund of £2,000,000 placed at their disposal, which would be far more than sufficient to make good any deficiency in the repayments by the purchasing tenants of the capital advanced to them for the purchase of their holdings. I think it must be clear that, unless the administration is ineffective—and I believe it might be made thoroughly effective—the deficiencies which would occur would make a very small demand indeed upon this annual income of £60,000 a-year. But the value of this income would be that any investor desirous of taking up these land debentures would have his interest secured on the day on which it became due, and the absolute security of payment on the day it became due would make a great difference in the circumstances under which the debentures are issued. They might be issued with great ease at even a lower rate of interest, in the present state of the market, than  $3\frac{1}{2}$  per cent. We have had, in a limited way, evidence of the success of an Irish Reproductive Loan Fund. According to the last Report, out of £30,000 advanced, £20,000

have been repaid, and there are only £800 of arrears altogether at the present moment, and of that sum a considerable amount has been repaid since the Report of the Commissioners was printed. That affords evidence, in a small way, that sums not easily recoverable are repaid in Ireland, if it is an Irish fund administered by Irishmen, and the Irish people have confidence in it. As the right hon. Gentleman has admitted that the scheme of the Government is not intended to be a final scheme at the present moment, and as I fully admit that it would be impossible to frame a measure that would be completely satisfactory in a short space of time, it is desirable that I should refrain from going further into the proposal which I have submitted. It was intended merely to suggest the way in which a successful attempt to deal with the question might be made. It was intended not by any means as a complete scheme, or as an indication of the extent to which the scheme might go. But I hope some good will have been done by directing the attention of the Government and of the Committee to a question which I believe to be one which, if followed up, would prove to be extremely beneficial to Ireland, by inducing the people of Ireland to rely on their own resources rather than to trust to assistance to be derived from the Imperial Exchequer. In our past experience there has been nothing more depressing than the feeling that there are Irishmen who come to this country with the idea that we possess resources which can be and ought to be placed at their disposal, in order to get them out of any misfortune into which they may happen to fall. That is not consistent with the principle and spirit on which the future of a great and prosperous country, such as I sincerely trust Ireland will become, ought to be built up. I believe there are material resources in Ireland which, if properly applied, should make her as prosperous and her people as vigorous as any people on the face of the earth; and it is my desire to see those resources applied by Irishmen for Ireland in a spirit of true independence, rather than see her come to this country for aid from the Imperial Exchequer. For the reasons I have stated I do not propose to proceed with my Amendment.

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MR. GLADSTONE: I only rise to express the pleasure with which I have listened to the observations of the right hon. Gentleman. I receive with due respect, for future consideration, all the remarks which he has made; and there are two things which I feel specially bound to say—first, I am very glad to see that the speech of the right hon. Gentleman has been received in a favourable spirit by many of the Irish Members; and secondly, that I do not think we ought to depart from this discussion without an expression on my part of my sense of obligation to my right hon. Friend for the entire spirit with which he has approached the question. Upon the scheme itself I can give no opinion now, except this—that it may be possible to frame a plan which may take the form of an Irish Fund, and, at the same time, not be permanently dissociated from the Consolidated Fund.

SIR STAFFORD NORTHCOTE: I wish to ask one question of the right hon. Gentleman. I understood him to say that, according to the demands at present made on the Exchequer for advances for the coming year, and which have to be provided for under the Public Works Loans Act for this year, but irrespective of any matter under the present Bill, they amount to about £1,100,000, and that he proposes to increase the power of advance from £1,100,000 to £2,000,000. Will that additional £900,000 be money that will be advanced in respect of obligations that must be met before the 31st of December, or will it be of a more general character? I put the question in this sense. According to the principles we have adopted in dealing with these Public Works Loans, the applications for the money that would be required in the coming year have to be sent in by a particular day, so that we may be able to know what the demands would be. With regard to this amount, will it be applicable to demands that may be made before a particular time, or generally applicable to loans applied for at any time?

MR. GLADSTONE: It must be made applicable to demands made before a particular time. That seems to me to have been the principle adopted by the right hon. Gentleman when in Office. It might, however, be right to make that time as late as the close of the financial year.

MR. SHAW said, he wished to express on his own behalf and on behalf of the Irish Members their full appreciation of the admirable spirit in which the observations of the right hon. Gentleman the late First Lord of the Admiralty (Mr. W. H. Smith) had been made. If there were Irish Members or Irishmen who were of opinion that the Imperial Exchequer was the source upon which they must rely for relieving them of all their difficulties, they must be peculiarly constituted. Such an idea had long ago been revolutionized, and it would be a great misfortune for Ireland if it ever got hold of the Irish people in any way again. It was certainly not the object of Irishmen to rely for assistance upon the Imperial Exchequer, but upon their own resources. Their real object was to work on the lines of the scheme which the right hon. Gentleman had sketched out, not in the present Session, because that would be impossible, for reasons which had been pointed out by the right hon. Gentleman the Prime Minister; but, as a permanent mode of carrying out the framework of the Bill, he entirely approved of the scheme of the right hon. Member for Westminster for the establishment of a great Irish Fund to be administered by Irishmen. He believed that such a fund would be easily obtainable. It was not necessary to discuss now the mode in which it, was to be accomplished; but as the Prime Minister had suggested, it might be absolutely necessary, to a certain extent, to depend upon the Consolidated Fund. He thought that such a fund might in future, with great benefit to Ireland, be rendered available for purposes other than those indicated by the present Bill, and that it should not be confined exclusively in the promotion of the objects of the Land Commission. Nothing was more wanted in Ireland than money. There was an immense amount of wealth in the country in the shape of raw material, and there was also an immense amount of power in bone and sinew. But there was no country in the world in which its resources had been less used. He believed that a marvellous change would be brought about if the Irish people were only allowed, to some extent, to manage their own affairs. If that principle was once brought into action, the further it could be extended the more contented,

happy, and prosperous Ireland would become.

LORD RANDOLPH CHURCHILL wished to say a word as to the effect of the remarks of the right hon. Gentleman the Prime Minister with regard to an Irish Fund, and the sources from which such Irish Fund was to come. He desired to place before the Committee the impossibility of any Irish Fund depending upon money drawn in any way from the Irish Church Surplus. He hoped this would be made public, because they heard a great deal about the way in which that Fund might be rendered available. Everybody cried out that the State might go the Irish Fund for this object and for that. The Government had recently written off a sum amounting to £2,000,000 advanced for the payment of arrears of tithe, and which the Treasury had until recently always hoped to recover from the surplus property of the Irish Church, and it was an absolute impossibility to make many further demands upon it. At the present moment the Fund only brought in an income of £75,000 a-year; and how were they going to pay off £2,000,000 out of an annual income of £75,000? Moreover, this income of £75,000 by the year 1890 would be diminished to £40,000 a-year. The sum of £2,300,000 advanced during the Famine was advanced out of this Fund, on the understanding that it was to be returned to the Church Surplus Fund; but it would be impossible to repay it, so that, in point of fact, if they made further demands upon it, they would be, in reality, drawing upon the Imperial Exchequer—an object they professed to discountenance. He hoped that when the right hon. Gentleman proposed his clause as to arrears, he would be prepared to say whether the arrangements under which advances were to be made would be carried out in their integrity, or whether it was intended to set aside the arrangements come to with respect to loans, and to put a further charge on the Church Surplus Fund; and also that the Prime Minister would state what really remained of that Fund.

MR. GLADSTONE said, he thought it would be vain to enter on the subject of the Church Fund now. All he could say was that the estimate as to the probable amount of purchases was the best estimate that could be made on the

available data; but, of course, there was a certain degree of uncertainty in the calculation.

MR. T. P. O'CONNOR said, he could not let the speech of the right hon. Gentleman (Mr. W. H. Smith) pass without some expression of opinion from the Irish Members. He accepted with gratitude the tone of the right hon. Gentleman's remarks, in which, acting on the germ theory, he thought he could detect in an embryonic form an advocacy of local self-government. He was glad the right hon. Gentleman paid a just and fair tribute to the solvency and good faith of the Irish people with regard to advances made to them. The result of the Irish Reproductive Fund and the loans under the Church Act had shown that the people of Ireland could be safely trusted to discharge their lawful debts; but there was immense force in the right hon. Gentleman's argument against the whole principle of Government action in this matter. He pointed out with irresistible force the enormous difficulties in the way of the Government in driving their bargain with the Irish tenant to its ultimate issue in case he failed to meet his liabilities—that was to say, turning the tenant out. That placed the Government in a most difficult position, and he would point out a solution of the difficulty. What was wanted for the Government was the sanction and support of public opinion. That support would be wanting to any Government that attempted to rule Ireland from Westminster; and until the Government had at their back the full support and sympathy of the public their action would be very much impeded. The future of Ireland must be largely dependent on Irishmen being allowed to devote all their energies to the advancement of their country; and it would be much better if Irishmen of ability were allowed to do so.

Clause agreed to, and ordered to stand part of the Bill.

Postponed Clause 34 (Constitution of Land Commission).

MR. GLADSTONE said, his right hon. and learned Friend the Attorney General for Ireland proposed to introduce an Amendment which expressed with perfect fidelity the intention of the

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Government on full consideration of the circumstances of the case.

Amendment proposed,

In page 21, line 20, leave out from beginning to "pleasure and," in line 24, and insert,—

"A Land Commission shall be constituted under this Act consisting of a Judicial Commissioner and two other Commissioners.

"The Judicial Commissioner, and every successor in his office, shall be a person who at the date of his appointment is a practising barrister at the Irish bar of not less than ten years' standing.

"The Judicial Commissioner for the time being shall forthwith on his appointment become an additional judge of the Supreme Court of Judicature in Ireland with the same rank, salary, tenure of office, and right to retiring pension as if he had been appointed a puisne judge of one of the Common Law Divisions of the High Court of Justice.

"He may be required by order of the Lord Lieutenant in Council to perform any duties which a judge of the said Supreme Court of Judicature is by Law required to perform; but, unless so required, he shall not be bound to perform any of such duties.

"The first Judicial Commissioner shall be Mr. Serjeant O'Hagan."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GLADSTONE: We have been moved to this selection of names to be submitted to Her Majesty upon a very full consideration of the circumstances of the case. Of course, it was intended that the Judicial Commissioner should be a person of judicial rank, equal to any member of the High Court of Justice, and capable, if need be, of taking part in the ordinary duties of the Court in lieu of the Commissioner at any time. That being so, it was natural to consider whether it would be more expedient to appoint a person already a member of the High Court of Justice, or a person who would be recognized by public opinion as fully qualified to become a member of it. I believe it will be admitted that Mr. Serjeant O'Hagan is in the first rank of the Irish Bar, and that his appointment to the High Court of Justice on the occurrence of a vacancy will be welcomed by the public opinion of Ireland. He has had practice in the administration of the Land Act of 1870, and it is an advantage, though not a capital consideration, that he is of the religion of the majority of the Irish people. It is desirable that it should be so, and that the Commis-

sion should consist of Irishmen, as matters of race and nationality are associated with the question, and popular jealousies may be excited. It was thought wiser, on the whole, to appoint a gentleman thoroughly qualified to go into the High Court of Justice rather than a member of it. The office of a Judge is one of great dignity and responsibility, but not on the whole of excessive labour. The work to be performed under the Bill will be rather of a novel kind, and it was felt that it would hardly be fair to ask a Judge to change his habits and address himself to this novel and constructive work. It was believed that a man having the highest qualifications for being a Judge, and at the same time not so far advanced in life as the Judges are, would, on the whole, be better able to address himself to this work with the prospect of being able to carry it out in a thoroughly satisfactory manner. It was on these grounds that the selection was made.

MR. GIBSON said, he did not desire to raise any objection to the particular constitution of this Commission, but he desired to elicit some information as to its power and duration. He inferred that it was intended that the Judicial Commissioner should be the sole arbiter of everything connected with this Bill at the end of seven years. He inferred that the office of the Judicial Commissioners was to be a permanent one, and that the appointment of the other Commissioners would be for seven years only. If they died or resigned within seven years, there was power to appoint successors for the residue of that term, but not beyond; and then he inferred that the vast powers of the Commissioners would devolve on the Judicial Commissioners. Was that intended, or was it intended to reserve power, to appoint someone to divide the responsibility with the Judicial Commissioners? Were the Commissioners to be amenable to the criticism or jurisdiction of Parliament in respect of plans of emigration and reclamation, and the exercise of patronage in the appointment of Assistant Commissioners? If they were, the names, salaries, qualification, tenure of office, and duties should be submitted to Parliament earlier than they could be in the annual Report, as the Prime Minister was understood to have promised; but there was no Amendment on the Paper indi-

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cating that the Commissioners were to be bound to furnish this information. A further question was whether the whole patronage was to be at the absolute disposal of one Commissioner at the end of seven years. Of course, the Treasury would check the number of appointments; but the Government would have the right to recognize, as it had done in the selection of Commissioners, only one side in politics.

MR. GLADSTONE: I will offer a few words in reply to the remarks of the right hon. and learned Gentleman who has just sat down, as to the scope of the Commission. The right hon. and learned Gentleman says—he does not found any charge upon it—that we have appointed this Commission from one side of politics, as, he frankly admits, it was in our power to do. Of course, we were in this difficulty—that to appoint Commissioners who did not enter into the spirit of the Bill would quite plainly be an absurdity. We were very happy at the time of the Church Act in appointing Mr. George Alexander Hamilton; but he was a man who had had large experience, and who we knew was a man who would act precisely in the spirit of the commission he undertook. Nor was there any difficulty in that case, for, once having passed the Act and appointed the Commission, our desire was that everything should be done in the most liberal way, and not as between the Parties. Therefore, we were glad to appoint a gentleman who was in marked opposition to ourselves. But in this case the Commissioners are to deal with a vast number of questions, and the most difficult part of their duty will be between the Parties; and it is absolutely necessary that those appointed should be persons entering into the spirit of the Bill as between the Parties. At the same time, it was our very great desire that at least one of the Commissioners—our choice was very limited, as there are few Gentlemen on the opposite Bench who are so associated with the leading ideas of this Bill as to make them possible subjects of selection—but we were very anxious that one of the Commissioners should be a person who was totally disassociated with political action, and who was not under suspicion on that ground. I believe with regard to Mr. Vernon, that it would be impossible to describe him as a Party man in

any sense. I only know that he voted against the hon. Member for Cavan (Mr. Biggar) in favour of the Tory candidate. That being so, it is an indication of the opinion of the political character of Mr. Vernon. It is not necessary to state his qualifications; but I believe that if all the land agents in Ireland were to be placed in their rank and importance and experience, without any prejudice at all, probably by general suffrage Mr. Vernon would be placed at the head. Mr. Vernon's connections and associations are almost entirely Conservative. He has been the agent of Lord Pembroke, Lord Bath, and many other landlords, most of whom are of Conservative politics; but what is more is this—he has had charge of the relations between 5,000 tenants and their landlords since the date of the Land Act, and he has never had a single contentious case. I think that of itself constitutes a eulogy which cannot be disputed. As to the other specific point with regard to the reporting of the names of the Assistant Commissioners, the right hon. and learned Gentleman (Mr. Gibson) perfectly understood and accurately represented the effect of what I said, that it appeared to me that any anticipation of any annual Report—for, after all, we cannot very well have an annual Report for 1882—and that immediately on the appointment of the Commissioners, or within an approximate time, Parliament should be made acquainted with the names of, and particulars relating to, the proposed Assistant Commissioners. But it appears doubtful whether it is necessary to put that into the shape of a positive enactment; and we think, perhaps, we are not asking too much, having made a positive statement on the point, that the House should leave that matter in our hands on the assurance that has been given. Now as to the general scope of the observations of the right hon. and learned Gentleman. In that respect he has not correctly gathered the general view and contention of the Government with regard to the limitation of time in the Act. The whole meaning of the enactment on that subject does not confine us to the precise limit; but, viewing on the one hand, the probable extent of their duties, and, on the other hand, the uncertainty as to what degree they may continue to be as difficult and re-

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sponsible, and to involve such large considerations in future years as there are likely to be in the first year, we have thought it our duty above all to endeavour to provide for bringing the matter of the constitution of the Commissioners again at a reasonable time under the review of Parliament. That is the meaning of the whole affair. How do we do that? We do that with regard to the lay Commissioners, by saying that they shall hold office for seven years; and it is a common thing on the part of Parliament in cases of this kind, where a limit of years is fixed, if it is found that the duties are continued, and that the same kind of emolument is required to prolong the office. But as to the Judicial Commission, that is a different case, for we cannot expect any man of eminence at the Bar to accept what is to be a judicial office upon any other footing than that upon which judicial offices are generally accepted—that is, with permanent tenure of office, and salary or pension for life. Therefore, we are obliged to go that length with regard to the Judicial Commission. But we have done the only thing we could do by leaving the door open to the Judicial Commissioner, for he may be required by order of the Lord Lieutenant in Council to perform any duties which an ordinary Judge is required to perform; so that we have left the door open for any future change even as to the Judicial Commissioner, and the entire aim of this provision is not to leave him upon a solitary throne, at the close of seven years, but to make sure that the whole matter shall, before that time, be brought, without prejudice, before Parliament. I hope these facts may give a more favourable turn to the views of hon. Members.

SIR STAFFORD NORTHCOTE: It appears to me, then, that the proposals have in view to practically give seven years' effect to the present measure, because this is a provision which will, as a matter almost of certainty, bring under the view of Parliament at the end of seven years, if not before, the whole working of this system. Considering the position in which we are going to leave the question, and the scope of the measure, which places the reconstruction of the agricultural and, to a great extent, of the social relations of Ireland in the hands of the Commission, this is a very

important statement, and the importance of it is not diminished by several hints and suggestions thrown out by the Prime Minister, and the questions that are still left open for consideration. We can only feel that we are in the hands of the Government, and that they have a work to do which will be of great importance to the future of Ireland. Further, very much will depend upon the carrying out of details by the Assistant Commissioners. It is, therefore, important that it should be known, as early as possible, who they are to be and how they are to perform their duties.

MR. GLADSTONE: I am afraid that, although I have not a word to say against the spirit of the remarks of the right hon. Gentleman, I do not see how we can give the names of the Assistant Commissioners during the time that is to lapse before the passing of this Bill, or during the present Session. It is quite evident that the Commission cannot meet until the Act has been passed, and they will certainly require several meetings before they can make even a skeleton scheme for the appointment of Assistant Commissioners. I assure the Committee that our great desire is to keep down the patronage of the Executive Government on this matter to the lowest point, and obviate, as far as we can, all jealousies. We do not object to give the names of the Assistant Commissioners without waiting for their Report; but I am afraid we could not give a promise with regard to that being done this Session, as it may be only a few days before the Prorogation that this Bill becomes law.

MR. W. H. SMITH said, he understood there was no objection to give the names, qualifications, salary, tenure of office, and other information in regard to the Assistant Commissioners at the commencement of next Session. It was a matter of the highest importance that there should be complete confidence in the equity, fairness, and justness of this Act, and the greater part of the work must be done by the Assistant Commissioners; and in order to give that confidence these names and particulars should be given at the earliest possible moment after the meeting of Parliament, in a Report which, it was understood, should be made before the financial year.

MR. W. E. FORSTER agreed that it would be right to give the names on the

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meeting of Parliament next Session, and promised to do so.

MR. HEALY observed, that the Prime Minister was perfectly right in saying that the appointment of Mr. O'Hagan to the High Court of Justice would be welcomed in Ireland; but it did not follow that he would be welcomed as a Commissioner. In Ireland, a man of the character of Mr. O'Hagan would be welcomed in the High Court, because it was very difficult for the Government to get honest men for that position in Ireland. Anybody upon whom the British Government put its seal was immediately looked upon with distrust by the great body of the people, and to say that Mr. Serjeant O'Hagan had managed to go through life without leaving behind him sufficient traces of bitterness as to make his appointment to a Judgeship not unwelcome was not saying very much. The Prime Minister had rested the appointment of Mr. O'Hagan also on the fact of his being a Catholic. At all events, he allowed the fact of his being a Catholic to enter favourably into the question of his appointment. Now, they in Ireland did not care whether a man was a Thug or a Tartar, so long as he was an honest man. They did not care whether he was a Catholic or not. What they wanted was an honest man; and he must say they had had a great deal too much experience of the pious political Catholic in Ireland. They had had Mr. Justice Keogh, and other great ornaments of the Judicial Bench. Neither did he hold it to be absolutely necessary that in addition to the man being a Catholic he should be an Irishman. He held that in addition to being an honest man he must be an able man. And that being his opinion, his expectation would have been that men like Chinese Gordon and Sir Evelyn Wood, associated with a Judicial Commissioner, would have been appointed. They had had some experience of the way in which a man like Sir Evelyn Wood had conducted delicate operations, and he believed such an appointment as that would have had the whole confidence of the Irish people. Colonel Gordon had been to Ireland at Mr. Bence Jones's invitation, and his dictum was that the people of Ireland were the most suffering people he had known—worse than Bulgarians and Chinese—and that they had full ground for their agitation. It was desirable that

on the Commission they should have honest men, altogether irrespective of race or religion; and he protested against the dictum laid down by the Prime Minister that they were to accept a gentleman because he was an Irishman and a Catholic, irrespective of other qualifications.

SIR WALTER B. BARTTELOT said, he was one of those who knew the very great difficulty there was in making such appointments as these, and he also knew that the first thing to create confidence was that the Commission should be strong. He ventured to say, however, that both in the House and out of the House, this Commission had been looked upon as one that was neither strong, nor one that would have the full confidence of those with whom the Commission would have to deal. He had nothing to say individually against any one of the gentlemen selected; but he was bound to say that if the right hon. Gentleman would look at the public organs of opinion, he would see that the Commission had not been received with that favour which might have been expected in regard to a Commission selected by the right hon. Gentleman. The Church Commission was a strong Commission, and one that commended itself to all parties. He also thought the Committee would like to know exactly how the Assistant Commissioners were to be appointed. This Commission would change the whole state of affairs in Ireland, and, in truth, re-arrange the whole social condition of that country; and he wished to know whether these Assistant Commissioners were to be appointed for political, or for other purposes connected with the Bill? The right hon. Gentleman could not disguise that the Bill, ably as he had handled and well as he had conducted it, had not attracted that attention in this country which a great Bill of this kind usually would have attracted in England; and he ventured to say that it was looked upon with apathy, if not with something else.

MR. W. E. FORSTER observed, that the question of how the patronage was to be distributed could not be discussed, for by the 36th clause it was provided that the Lord Lieutenant, with the consent of the Treasury, should appoint the Assistant Commissioners; but the Commissioners themselves were to determine

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the number and other conditions with respect to the Assistant Commissioners. It would, therefore, be impossible for him to give the names of the Assistant Commissioners until the Assistant Commissioners had met and complied with the instructions of Parliament. He did not know that it would be well to prolong this discussion any further; but the hon. and gallant Member seemed to take two things for granted—first, that public opinion did not approve of the Commission; and, secondly, that it was the business of the Government to consider the reception of the names of the Commissioners by the organs of public opinion. So far as Ireland was concerned, if the hon. and gallant Member would look at what was stated in the organs of public opinion there, he would find that the reception had been quite as good as could have been expected; but, after all, the first duty of the Government was to consider the fitness of the gentlemen appointed, and he could only state his conviction that it would be impossible for more care to be taken in choosing fit and suitable men than had been taken by the Prime Minister in choosing these Commissioners.

Mr. T. P. O'CONNOR said, he must protest against the constitution of the Commission, although he had no sort of objection, in a personal point of view, against any of the three gentlemen named for the appointments. He thought the Prime Minister had entirely misappreciated the position by the names he had chosen, inasmuch as the duties the gentlemen would have to discharge were not, as in the case of the Church Commission, merely administrative, but constructive, and would, therefore, require statesmanlike qualities, which neither of those Gentlemen could be said to possess, or, at any rate, to have displayed. The work which the Commissioners would have to do—to borrow a picturesque expression of the Premier when speaking on another question—would be to “restore a ruin,” and that was rather more than could be expected of the gentlemen who had been nominated. He thought it a distinct disadvantage that two of the gentlemen should be lawyers. That one of them should be was all very well and proper, inasmuch as the Commission would have to interpret Acts of Parliament and legal documents; but

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in dealing with the agrarian question in Ireland they did not want law, but common sense, and that not of the spurious character known by the name in England. The common sense they wanted was that of Irishmen, who understood the Irish Question. If he had had to make a choice he would either have asked the Viceroy of India to select from his officials three Irishmen practically acquainted with the work of the Land Laws existing in India, or would himself have appointed the hon. Member for Kirkcaldy (Sir George Campbell), Sir Richard Temple, and Dr. W. K. Sullivan, President of the Queen's College, Cork. Who would deny that the Irish Church Commission was a far abler and a far more vigorous Commission than that proposed to be appointed? [Mr. GLADSTONE: I.] The right hon. Gentleman would deny it. Well, to contend against the right hon. Gentleman's denial he would be led into an unpleasant personal analysis, and that was a thing not at all to his taste. He would not go into a personal discussion unless it were absolutely necessary; but he thought most people would say that the three gentlemen appointed on the Church Commission were far more eminent than the three persons named as the Land Commissioners. He spoke now from the bosom of the Tory Party. [Mr. WARTON: No, no!] Well, he spoke physically from the bosom of the Tory Party, and if that Party would allow him on this occasion to be the interpreter of their opinions and their wishes—[Mr. WARTON: No, no!]  
—if they would allow him, for once, to be the interpreter of their opinions, he would say that they were utterly weary of the internecine struggle that had been going on between the landlords and tenants in Ireland for the last few years. Was it not better for the interest of the landlords, as well as for the interest of the tenants, that this question should be settled on the broad lines of common sense and statesmanship, in place of having the weariness of litigation between the parties? He thought the Prime Minister, by the appointment of this Commission, had done his best to minimize the good effect of his own Bill. He did not think the right hon. Gentleman had completely grasped the situation in Ireland, because all through these debates he had spoken more as a Conservative.

["Oh, oh!"] All through this discussion the right hon. Gentleman had spoken from the point of view of a still unregenerated Conservative with regard to Ireland, and he (Mr. O'Connor) thought it was the right hon. Gentleman's desire not to transform, but to maintain as much as possible, the old system of things in that country. He would give the right hon. Gentleman fair warning that the old system of things was dead, and could not be brought back to life again, even through the indirect and complicated agency of this Land Bill; and he could assure the Government that it would be far better to face the realities of the question, and put on the Commission men who had the intention of laying the foundation of a new and better state of things in Ireland, than to appoint such men as they proposed to do.

MR. STORER said, he did not wish to dictate to the Government who were to be the Assistant Commissioners; but he agreed with the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) that the country expected, that though the law should be dominant amongst those who had been appointed, yet care should be taken that the Assistant Commissioners should be persons thoroughly conversant with the value of land and agricultural produce in Ireland. This was a most important matter, and it was also of the highest importance that the Assistant Commissioners should not be men chosen from one side of politics. There was one passage in the speech of the right hon. Gentleman opposite which was calculated to alarm even the humblest Member of that Committee, because even that Member had a constituency. The right hon. Gentleman said he knew Mr. Vernon had voted for a strong Tory instead of the hon. Member for Cavan (Mr. Biggar). That statement was one which might well terrify Members of that House, because if the right hon. Gentleman was able to ascertain who voted for Members of Parliament the electors of the country would grow fearful, and the confidence which they had hitherto felt in the Ballot would be seriously weakened.

MR. DALY said, he had not intended to take part in this discussion, and he should not have done so had it not been for some remarks which fell from the

hon. Member for Wexford (Mr. Healy) and from the hon. Member for Galway City (Mr. T. P. O'Connor). The hon. Member for Wexford had stated, in expressing his opinion, that he spoke on behalf of the Irish people, and had declared that it was unimportant to them whether the Commission was composed of Englishmen or Irishmen. Well, in expressing that opinion the hon. Member for Wexford was certainly not expressing his (Mr. Daly's) view. He should be sorry to endorse any such sentiment as that the Commission might be composed of any but Irishmen. The Prime Minister had said, incidentally, that he was glad the Official Commissioner was of the same religion as the majority of Irishmen; but he guarded himself from saying that a Roman Catholic had been expressly appointed. The right hon. Gentleman said that, as a concurrent matter, it was a good thing that Serjeant O'Hagan was of the same religion as the majority of Irishmen. He (Mr. Daly) was inclined to think that it was a most important fact. The first function of this Commission would be to generate confidence amongst the Irish people. Well, he knew that Serjeant O'Hagan possessed the confidence of his country so far as he was known. As to the other Members of the Commission, it was not a matter of importance to Irishmen that one was a Presbyterian and the other a Protestant. The Presbyterian was thoroughly in accord with the feelings of the tenants of Ireland on the Land Question. His (Mr. Daly's) only knowledge of Mr. Vernon was derived from reading his evidence before the Land Commission. He knew him to be one of the Governors of the Bank of Ireland, and, as such, he was greatly struck with the fairness of his evidence; and he must say that such evidence, given without any idea of any subsequent appointment, stamped him as a person fit to exercise the functions of a Commissioner. As a matter of fact, whoever the Government had appointed, someone or other would have objected to them. So far as he (Mr. Daly) was concerned, he was glad the three Commissioners were Irishmen, because he believed it would have been a great source of pain and regret to the people of Ireland if they found that the important functions of the Commission were to be discharged by any but their

own countrymen. With regard to Dr. W. K. Sullivan, who had been mentioned as a man whom it would have been well to appoint upon the Commission, so far as he was able to judge, no fitter person could have been appointed; but he should be sorry to say that there were no fit men in Ireland to be appointed outside the three who had been selected, which would not include in their number Dr. W. K. Sullivan. As far as regarded the Commission, when appointed, there would, of course, be a great deal of anxiety as to their first acts and operations; but it was important that they should not be jealously watched. It was important that when they began their operations they should have the confidence of the Irish people, and that the great chance which was to be given to the nation should not be marred by any defect in the administrative function of the Commission. He would not give an opinion as to the personal capabilities of the gentlemen to be appointed; but, judging from external circumstances, he thought the Government had made a reasonable and fair selection.

MR. BLAKE regretted to be obliged to say that he conceived a very great blunder in one respect had been committed in the appointment of this Commission, and he was glad that the Prime Minister was in his place, in order to hear what he had to say. He did not wish to utter a word against any one of the gentlemen who constituted the Commission, for he believed they were all exceedingly competent and honest men, and he had the fullest confidence that they would discharge the important duties entrusted to them with satisfaction to the Government and the country; but, at the same time, there were many men who could have been found in Ireland just as competent. He thought the serious mistake that had been made by the Cabinet in the appointment of the Commission was in neglecting to nominate some one gentleman who was marked by strong sympathy and great effort in the cause of the tenantry. If such a gentleman had been appointed it would have given confidence to the mass of the tenantry of Ireland. If this Commissioner's predilections in the direction of the interest of the tenantry had been too strong, there would have been the other two Com-

missioners as a sufficient counterpoise. Some of the journals in the interest of the Government had taken credit to the Government for having offered the appointment to three gentlemen, all of whom would have given the utmost satisfaction. One of these was Lord Monck, another the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law), and the third the senior Member for the County of Cork (Mr. Shaw). The Government might very well have anticipated, and he dared say they did anticipate, that none of these gentlemen would accept the position. They knew that Lord Monck had worked very hard on the Church Commission, and it was generally believed that he was pretty well tired of the hard work, and that he did not intend to undertake such arduous duties again. The Attorney General for Ireland, from his learning and ability, they knew, might very well aspire to a much higher position than that of Judicial Member of the Commission, and to a post, at the same time, much easier in point of work. Of the third gentleman—of whom he should speak very freely, because he had made strong efforts to conquer him on the point, and had been defeated—he had no information except that which he obtained from the public journals. If appointed on the Commission, to everyone in Ireland the hon. Gentleman would have given unbounded satisfaction. But they knew the hon. Member occupied a most important commercial position. He was at the head of an important banking establishment in Ireland, and the world gave him credit, and no doubt correctly, for being in possession of an independent private fortune. Besides this, he was glad to see the hon. Member was fond of hard Parliamentary work, and it might very well have been anticipated that this hon. Member would not—as he did not—accept the position. But on both sides of the House there were hon. Gentlemen who nearly approached the hon. Member for the County of Cork in ability, and who held as high a character in point of probity, and who entertained as much sympathy for the Irish tenantry as the hon. Member, and, he thought, a serious mistake had been made in not adding some gentleman of that description to the Commission. He understood that it was probable that in

*Mr. Daly*

"another place" an attempt would be made to increase the Commission from three to five; and should that take place—and he thought there would be ample work for five Commissioners to do—he earnestly trusted that the Prime Minister would remedy the very great blunder which he had made in the formation of the Commission. He could not agree with the hon. Member for Wexford (Mr. Healy) that it would have been a matter of indifference to the people of Ireland if Tartars or Thugs had been appointed on the Commission. In the one instance they might have found that they had caught a Tartar; and, in the other, no one would have wished to see the Thug Commissioner, in carrying out his religious convictions, now and then chopping off the heads of the landlords and tenants. He could only say that the function the Commission now appointed would have to perform would be of great importance and moment to the people of Ireland. He had the very utmost confidence that these duties would be performed in a conscientious and satisfactory manner, and he merely rose for the purpose of expressing his views in a perfectly disinterested manner.

MR. P. J. SMYTH said, that as marked reference had been made to Serjeant O'Hagan, he wished to give expression to his conviction that a better selection could not possibly have been made. There was no man in Ireland who more commanded the respect, esteem, and confidence of all who knew him than Serjeant O'Hagan. He (Mr. Smyth) was confident that the voice of the country, without distinction of Party, would ratify in his regard the wise selection of the Prime Minister. With regard to the Commission as a whole he believed it to be an admirable one.

MR. FINDLATER said, that as other Irish Members were expressing their opinion upon this matter, he would venture to express his. It appeared to him that the Commission would be an admirable one, and would possess the entire confidence of the people of Ireland. He believed he was the only Member of the House who knew each of the Commissioners personally. Mr. Vernon was a man of broad views and enlightened spirit, and would approach the subject in a proper manner. As to Serjeant O'Hagan, he had had many years knowledge of him, and knew him to be

a distinguished lawyer, a man of ability and sound views, and thoroughly acquainted with the subject with which he would have to deal. He had been for many years a County Court Judge, and he had never heard of any of his decisions being quarrelled with by the Irish tenants. He had been very sorry to hear the hon. Member for Wexford (Mr. Healy) give a quiet sneer at the piety of this gentleman. He knew Mr. O'Hagan to be a thoroughly religious and pious man; but he could not see that for that reason he was less worthy of the confidence of the Irish people. He (Mr. Findlater) knew that the learned Serjeant had the confidence of everyone who had come into contact with him. As to Mr. Litton, everyone in the House had an opportunity of appreciating his ability and his thorough knowledge of the Land Question. He (Mr. Findlater) had been brought closely in contact with him since the commencement of the present Parliament, and he felt convinced that he was a thorough worker, who never spared himself when business was to be done. He also possessed qualities which would be invaluable to him in his new position—an excellent temper and great patience and judgment. He (Mr. Findlater) had no doubt whatever that he was "the right man in the right place."

SIR PATRICK O'BRIEN said, there had been no impugment from that (the Ministerial) side of the House of the fairness of the Commission. What made him rise was an observation which had fallen from the hon. Member for the county of Waterford (Mr. Blake), in which that hon. Member expressed his regret that no person of a more distinctively tenant-class character had been nominated on the Commission. Very lately in the county of Tipperary there was a meeting held in connection with the Land Question, and one of the most distinguished Roman Catholic clergymen in the county, who, he believed, held an official position about the person of the Archbishop of Cashel, had declared on that occasion that if there was to be any confidence reposed in this Commission there was one man who should be appointed on it, and that gentleman was Mr. Serjeant O'Hagan. He (Sir Patrick O'Brien) merely made this observation in consequence of what had fallen from the hon. Member for the county of Waterford. To him it was not necessary

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to speak of Mr. Serjeant O'Hagan. He had had the advantage of being his class-fellow in the University of Dublin, and from that time, in common with all the learned gentleman's countrymen who had come into contact with him, he had entertained the greatest respect for him. As to the tone and character of Mr. Litton, they all knew what they were; and it would be unbecoming for him (Sir Patrick O'Brien) to say anything about the hon. Gentleman. But as to Mr. Vernon, it might be said that he was, to some extent, a representative of the landlords. Well, no one could say that the landlord party ought not to be represented on the Commission. From all he had been able to learn of Mr. Vernon, in connection with the agencies he held in different parts of Ireland, everyone spoke in the highest terms of his high-mindedness, his broadness of view, and freedom from narrow prejudices. In common with all Irish Members, he (Sir Patrick O'Brien) had received letters referring to possible patronage in connection with the Commission; and an opinion prevailed, so far as he could gather, in Ireland, which, if it were accurate, would show that the Assistant Commissioners might be anything but a satisfactory body. That opinion was that these Assistant Commissioners were to be formed into local Courts, and that men were to be appointed for a special county or for their own district. He ventured respectfully altogether to disapprove of such a system. If they were to have Assistant Commissioners under this Act, those officials ought to be removed from every tinge of local feeling. If it were possible they should act more like Circuit Judges. Special care should be taken that these gentlemen should be segregated as much as possible from the localities with which they were connected.

LORD ELCHO said, the discussion was as to the appointment of the whole Commission, though, technically, the question before the Committee was only as to the appointment of one of the body. He gave the Government full credit for possessing an anxious desire to appoint the very best men for the difficult duties which were to be performed; but he thought there was a matter of principle at issue as to the appointment of one of the Commissioners. They all knew that the ambition of a lawyer was to get into Parliament, because it was supposed to

be a short cut to the Bench. Now, he was one of those who thought that that was not the best way of getting the best law upon the Bench. In making these observations, he did not so much refer to the present Parliament, because there were more lawyers in this Parliament than there had been in any other he had ever known, and he had no doubt that if they examined these hon. and learned Gentlemen they would all show they were greater pundits of the law, and had a greater knowledge of the law, than any learned gentleman out of the House. But, as a matter of principle, if they wished to get the best men on the Bench, it did not follow that those men were necessarily such as had succeeded in captivating a constituency, and who had subsequently captivated the House by their eloquence. [An hon. MEMBER: They never do that.] An hon. Member told him that they never did that; but he had known some who had done it, and everyone knew that Ministries were frequently captivated by these gentlemen being good political partizans. When a Ministry was captivated these gentlemen were put on the Bench to administer the law of the land. But what had they here in connection with this Commission? They had the most special and peculiar law that had ever been passed in the recollection of anyone in this or in any previous Parliament. This was essentially a Party measure, if ever there was one, and who were to be appointed to administer it? One gentleman was Mr. Serjeant O'Hagan, of whom he knew nothing; another was Mr. Vernon, of whom also he knew nothing; but the third was a gentleman whose views he had had the opportunity of listening to, and whose actions he had watched in common with every other Member of the Committee during the whole of these discussions. The hon. and learned Member for Tyrone (Mr. Litton), who was to be one of these Commissioners, was an earnest partizan. He objected to such an appointment not because, personally, he found fault with the hon. and learned Gentleman, or because he doubted his ability, but as a pure matter of principle. When they had an Act of this kind which was admitted to contain a new kind of equity, giving a power that no Equity Judge had, and when they knew that the Commissioners were not to be guided by the

*Sir Patrick O'Brien*

ordinary rules of equity, he thought that, as a matter of principle, they ought not to select from the House of Commons—and he did not care on which side of the House he sat—a Gentleman who had taken an active part in the framing of that measure to sit upon the Commission. That was his objection in principle. He would recall to the remembrance of the Committee a speech which the hon. and learned Member for Tyrone had made in Belfast in April last. He (Lord Elcho) had called the attention of the House to it at the time, and he should have said no more about it if it had not been for the fact that the hon. and learned Member for Tyrone had been nominated as one of the Commissioners. The hon. and learned Member, at a great meeting of the Liberal Party, had said, speaking of the Land Law (Ireland) Bill, that the Government were surrounded by certain difficulties, which they had endeavoured to get rid of by the skill with which the measure had been prepared, and not by trying to overpower them by mere force. The hon. and learned Member said there was “a strong Opposition in the House,” and if Mr. Gladstone had come forward with a Bill distinctly declaring that every tenant in Ireland must have fair rent, free sale, and fixity of tenure, he would have found it impossible to carry it.

“Mr. Gladstone had aimed at in this Bill—and he thought that in his Bill he had secured—fair rent, free sale and fixity of tenure, but secured not in a direct way, and not in such a manner as he who ran might read, for if the Bill had been so framed, there would have been a hostility to the Bill that those who framed it were anxious to keep back.”

That was distinctly an approval of the Bill being brought into Parliament under false pretences, and the tone of mind exhibited in that speech did not appear to him (Lord Elcho) to be such as should characterize one of the Gentlemen who would have to administer the measure.

MR. FAY: I rise to a point of Order. I wish to point out that the Amendment only deals with the appointment of the Judicial Commissioner, Mr. Serjeant O'Hagan, and that the noble Lord is travelling beyond that proposal.

THE CHAIRMAN: I assume that the noble Lord was quoting a speech of one of the Gentlemen whom it is proposed to

appoint to show why that person should not be selected.

LORD ELCHO said, he should be glad to see, on Report, a clause inserted declaring that no member of the Commission should have a seat in that House. It might go further, and declare that no person should be appointed who was a political partizan.

MR. W. E. FORSTER: The noble Lord's statement is rather a remarkable one, and I do not think that the Committee will agree with his observations with reference to the strong support which the hon. and learned Member for Tyrone (Mr. Litton) has given to the Bill. In the noble Lord's earlier remarks, I understood him to give an unqualified approval of the Commission; but then he went on to express disapproval at any Gentleman being appointed on the Commission who was a political partizan or a Member of Parliament. That appeared to me to show how entirely he approved of the appointment of Serjeant O'Hagan, who has never had the advantage of having a seat in this House. But when he came to the hon. and learned Member for Tyrone, he gave us a quotation from his speech, and I hardly think that that quotation can afford much ground for objecting to the hon. and learned Gentleman's appointment. Under any circumstances, I do not think that it can be fair to take hold of certain words in a single speech without their context; but, after all, for the sake of argument, admitting it to be fair, what was there extraordinary in the observations of the hon. and learned Gentleman the Member for Tyrone? After all, he only said what has been said, not only by the noble Lord himself, but what almost every Member on the Front Opposition Bench has said about the Bill.

MR. J. N. RICHARDSON said, that the tone of the speeches to which they had been listening showed how difficult it must have been for the Government to make up their minds as to whom to appoint on the Commission. The debate, although critical, was certainly not ill-humoured, and the Government could not but be satisfied with the result. There had been no acrimonious speeches, and no very bitter attacks made against the gentlemen placed upon the Commission, which showed that, on the whole, in spite of the great difficulties which

the Government had had to face, they had not done very badly. He should not have taken part in this discussion if it had not been for the remarks of the noble Lord (Lord Elcho) with reference to the hon. and learned Gentleman the Member for Tyrone (Mr. Litton). Presumably the objection taken to the hon. and learned Member by the noble Lord was a landlord's objection, coming, as it did, from a Member of the House who sat on the Conservative Benches. The noble Lord's objection was that the hon. and learned Member had shown himself to be a partizan—a supporter of the Government and a tenant right partizan. Well, he was quite certain that if the noble Lord read the newspaper reports published in the North of Ireland, he would not find that the hon. and learned Member was regarded by the tenants as a warm partizan of theirs. No one in the House was more pleased than he (Mr. J. N. Richardson) to see the hon. and learned Member appointed a Member of the Commission. No one more deserved the position, and no one was more fit for it; and many of them would be sorry to lose the hon. and learned Gentleman from amongst them, for to them—his Colleagues—he was more like a brother than a person whom they had met for the first time in Parliament. The tenants would have preferred a man much stronger in their interests than the hon. and learned Member. They would have preferred, for instance, a Gentleman whose name he had no hesitation in mentioning, as other names had been given during the debate. They would have preferred the late Member for Dungannon (Mr. Dickson) on the Commission. He regretted that that Gentleman's name was not on the Commission, because he knew the tenants would not always be satisfied with the decisions that were given. They would consider that the rents might be reduced more than, in all probability, they would be; and he could not help thinking that, if they had had such a gentleman as Mr. Dickson on the Commission, the people would have taken an adverse decision uncomplainingly.

LORD ELOHO said, his objection had been to the principle of appointing upon the Commission any hon. Member—on whatever side of the House he might sit—who had taken an active part, either on behalf of the landlord or of the ten-

ant, in the framing of this Bill. He still held that the speech he had quoted was a disqualification for membership of the Commission.

SIR JOSEPH M'KENNA said, that the noble Lord had quoted an oration in the nature of a hustings speech, and probably few of them would like to be bound all their lives by declarations made from the hustings. ["Oh, oh!"] Hon. Members apparently did not approve of that courage in others, which, on every occasion, they had not themselves. It seemed to him that the noble Lord was entirely mistaken in his apprehensions; it was much more likely that the hon. and learned Member for Tyrone (Mr. Litton) would lapse more into friendliness to those parties amongst whom he usually moved than that he would go forward too strongly in the ranks of the friends of tenant right. The hon. and learned Member for Tyrone had made one or two propositions to the Committee which had not been successful. They were all on the Liberal and tenant side of the question, and he (Sir Joseph M'Kenna) had succeeded in inducing him on one occasion to withdraw a certain proposal. But he did not think that the hon. and learned Member was a Gentleman who, sitting judicially, would be in any way swayed by the opinions he had expressed when the measure was in an inchoate state in the House. As for Serjeant O'Hagan, he was one of the best men that could possibly have been chosen for the office of Judicial Commissioner. He had known the learned Serjeant for 25 or 30 years, and there was no one with whom he had ever come into contact in whose favour more could be said to recommend him for such a post as that to which he was to be appointed. As to Mr. Vernon, he (Sir Joseph M'Kenna) only knew him from his testimony before the Committee which sat upstairs, of which he was a Member; and the idea he (Sir Joseph M'Kenna) and some of his friends had formed of that gentleman when he came before them was that if ever a Land Commission was appointed Mr. Vernon would be a most fitting person to select as one of the body.

MR. SHAW said, the noble Lord opposite (Lord Elcho) had said that this was a Party Bill. He (Mr. Shaw) differed entirely from that view. It might be a Bill that the English landlords did

*Mr. J. N. Richardson*

not like; but he could assure the Committee that the Irish landlords from Ulster perfectly agreed with it. His hon. and learned Friend the Member for Tyrone (Mr. Litton) happened to be the Representative of a Northern constituency resident in Dublin, and a considerable landowner, and that seemed to him to give the hon. and learned Gentleman sufficient qualification for the position to which it was proposed he should be appointed. The hon. and learned Gentleman lived on the most pleasant terms with his tenantry, and he (Mr. Shaw) must say that he did not think he had ever met a broader-minded, or more fair-minded man in his life. He was quite sure that the hon. and learned Gentleman had ability enough and legal knowledge enough for the position. The hon. Member for the City of Galway (Mr. T. P. O'Connor) said that the Commission should consist of great statesmen who should be able to compass great motives. Well, he (Mr. Shaw) believed that nothing could be more unfortunate than to appoint upon the Commission any such men. If they had three men of that class upon the Commission they would keep Ireland constantly in hot water. What they wanted on the Commission were men of capacity, men of honesty, men who could devote their whole time to the work; and he sincerely believed that the Government had found such men. He did not know Serjeant O'Hagan personally; but, as a business man, he had had plenty of opportunities of knowing him by repute. He was acquainted with the position which the learned Serjeant held at the Bar, where he had shown great ability and legal knowledge. As to Mr. Vernon, he believed that the Government could not get in the whole of Ireland a better man for the post. He was a good man, because he knew his business thoroughly, and because his feelings and his attitude towards the tenantry with whom he had had to deal had always been of the most generous kind. And not only was he on good terms with the tenants, but Mr. Vernon possessed, he believed, the confidence of the landlords. The landlords were not at all frightened about Mr. Vernon's action in this respect. This conversation had commenced about the Assistant Commissioners; and he (Mr. Shaw) believed those appointments to

be one of the most difficult works which the Government would have before them, and one to which they could not give too much thought. The Assistant Commissioners would be a Court of First Instance, and would, so to speak, give a complexion to the other Court. They must be careful not to appoint too many lawyers upon that body; and he agreed with the remarks of the hon. Member for King's County (Sir Patrick O'Brien) that the Assistant Commissioners should be removed from local influences. There were plenty of men to be found in Ireland fit for the work. He could say of his own knowledge, having gone round Ireland looking at the men whom he believed possessed of the necessary qualifications, that there were, in his opinion, plenty in the different localities who were quite fit for the work. But care should be taken to remove them from the localities, so that they should in no way be influenced in their operations by local opinion.

Mr. REDMOND said, that if the Commission was to receive the confidence of the people of Ireland and advantageously work this Act, it was essential that the Government should appoint upon it gentlemen who, as the Prime Minister had said, entered into the spirit of the Bill. He therefore thought the charge of partizanship which had been brought against the hon. and learned Gentleman the Member for Tyrone (Mr. Litton) was one to which no weight should be attached. They should not forget that on more than one occasion that hon. and learned Member had taken up a thoroughly independent position in that House. On one occasion, though a strong Liberal, the hon. and learned Gentleman had stood out stoutly against the Government, and had, furthermore, rendered considerable assistance to the Irish Party on the question of leases, when they on the Home Rule Benches, who were supposed more directly to represent the tenant farmers of Ireland, were endeavouring to carry Amendments in their favour. On the whole, one of the greatest recommendations that could be put forward for the Commission was that none of the appointments were of a really partizan character. He thought it was something which must be very grateful and welcome to Irishmen to find that the day was past when appointments of



this kind were made in a partizan spirit. The Government might have easily made a much worse selection. With regard to the nationality and race of the Commissioners, he must say that he quite agreed with what had fallen from an hon. Gentleman near him that the point was one of vast importance; and he was satisfied to find that the appointments had only been made amongst Irishmen. The first important requirement of a position of this kind was, of course, that a man should be able. Then, to look upon it from a practical point of view, there could not be the slightest doubt in the world that if Englishmen had been appointed serious dissatisfaction and discontent would have been felt all over Ireland. They had great reason to be satisfied, therefore, that the three Commissioners would be Irishmen. Allusion had been made to the religion of Serjeant O'Hagan, and upon that point he could fairly say that no one could accuse the Irish people of intolerance upon questions of religion—that they set an example of toleration to every part of the United Kingdom, and especially to every part of England. In Ireland large Roman Catholic constituencies returned, in some cases, Protestant Representatives; but yet in the whole of Great Britain there was not one Roman Catholic returned, in spite of the large Roman Catholic element in some of the constituencies. No doubt, great satisfaction would be felt in Serjeant O'Hagan's qualification of religion, in addition to his many other qualifications, about which it would be presumptuous for him to speak. Of the appointment of Mr. Vernon he should not like to offer an opinion, because he knew nothing of that gentleman except from having read the evidence which he gave before the Beesborough Commission. But he thought it a matter for congratulation that whilst they had a man whom they must acknowledge as a fair representative of the landlord's interest, he was a representative of that class of landlords who, unfortunately, had been so few, and the effect of whose conduct, had such landlords been more general throughout the country, would have prevented the crisis which had arisen. Although Mr. Vernon would be a representative of the landlords, he was evidently animated by a spirit of fairness and liberality towards the ten-

ant. So much with regard to the component parts of the Commission. As to the Commission as a whole, he must say that he had felt great disappointment when he heard the names announced, because, in the first place, he thought that the gentlemen who were to compose the body should have been, if he might use the expression, of more eminent standing. He was not speaking of the judicial member of the Commission, and he did not wish to say anything discourteous or unpleasant with regard to the hon. and learned Member for Tyrone (Mr. Litton); but he had thought that the gentlemen appointed might have been of more commanding ability. On the whole, he could not help thinking that the Commission was a weak one. He believed that the appointment of Mr. Vernon would be of the greatest importance. Mr. Vernon was a man of strong will and feelings; and the other two, albeit that they were most amiable gentlemen, and well disposed, were men of considerable weakness of character. It therefore seemed to him that all the work of the Commission would, practically, be in the hands of Mr. Vernon.

MR. MACFARLANE said, the hon. Member for the City of Galway (Mr. T. P. O'Connor) had expressed disappointment that the hon. Member for Kirkcaldy (Sir George Campbell), a Scotchman, and Sir Richard Temple, whom he believed was an Englishman, had not been appointed on the Commission. Well, he (Mr. Macfarlane) must say, as a Scotchman, that he was exceedingly pleased that neither the one nor the other gentleman had been appointed; and, in saying this, he did not wish to be misunderstood. He was speaking in regard to the nationality, and not as to the personal qualifications, of those gentlemen. To his mind, it was most important that the Commissioners should be Irishmen.

SIR WILLIAM PALLISER said, with reference to the strong accusations made by the hon. Member against the Irish landlords, he would remind the Committee of the remarks which the Prime Minister had made in his opening address on the Irish Land Bill. The right hon. Gentleman had said that the landlords of Ireland had been placed upon their trial, that their conduct had been subjected to a rigid examination, that, on the whole, they had passed through the ordeal with flying colours, and that

*Mr. Redmond*

they had been fully and honourably acquitted. [Mr. HEALY: As to rents.] He had only one fault to find with the appointments, and that was, they were not permanent; but he was afraid it was too late to remedy that now. At any rate, if the Prime Minister would make some provision by which the position of the two Commissioners would be thoroughly secured, it would be of great importance. If he could give them to understand that they were certain on retiring to receive some other appointment, they would be rendered independent of any influence, from whatever quarter it might come. At the next Election a wicked Tory Government might be returned; and, unless there was some kind of permanency in the appointments, they might say—"Unless you rack rent the tenants we will not maintain you in your present positions." His experience inside that House had not been large; but his experience outside, he was sorry to say, had been considerable, and it was to this effect—that when persons connected with politics were appointed to permanent positions they threw aside all feelings of political partizanship, and were guided solely by a sense of duty. What they required was men of ability, and honour, and high principle; and if they got such men, it did not matter whether they came from the Liberal, the Conservative, or the Home Rule Benches. Nay, he should not even object to them if they came from the Fourth Party itself; but their position should be assured.

MR. GLADSTONE: I think it only right to say one word at the termination of this discussion. I must say that I think the Government have no reason to be dissatisfied with its general tone, nor with the criticisms which have been offered, for they have been not unkindly; and, so far as any of them were of a severe or of an extreme character, they have to a very great extent equalized and qualified one another. It has been the object and desire of the Government to appoint men who would enter into what I may call the spirit of the Act; and it has been our object, on the other hand, to avoid what would be justly stigmatized—namely, partizan appointments. With reference to the observations that have been made with regard to the individuals, I would make this remark—that the business of appointing

a Commission of this kind is a very serious one, and requires an examination of a great number of topics in themselves and in their combination together—an examination much more searching, if I may say so, than can possibly be tested by that kind of popular impression which betrays itself in the first conception of a Commission of this sort. I remember that more than 36 years ago, when I was Secretary of State in the Colonial Office, a post in the Government of Canada fell vacant. There was a gentleman—I will not mention his name—who was particularly in the public eye at that moment, for he had, with great success and ability, concluded an important Convention on behalf of this country in another quarter of the world, and he was recommended as a fit person to be appointed to the vacancy. I called upon Sir Robert Peel, who was a man of great sagacity and experience, in respect to this appointment, and, of course, the name of the gentleman came up. Sir Robert Peel said that beyond all doubt the appointment of this gentleman would secure popular approbation; but, said he, "he is the wrong man." It is not possible that these things can be tested by the mere impression out-of-doors, which undoubtedly looks for external marks, high titles, and so on. But knowing the full responsibility that we undertake in proposing these names to Parliament, we are contented that it shall be tested by the result. We have the utmost confidence that these appointments will prove satisfactory. Two names have been mentioned in this discussion as those of gentlemen eminently qualified for appointment on the Commission, but whom we have not been able to include in our proposal to the Committee. One is my right hon. and learned Friend near me, the Attorney General for Ireland (Mr. Law). In the face of all Parties and Sections in this House, and through the intricate and delicate discussions which have taken place in this Committee, my right hon. and learned Friend has had an opportunity of showing hon. Members the metal of which he is made. The other is a Gentleman of independent and unofficial position, my hon. Friend the Member for the County of Cork (Mr. Shaw). To all that has been said in regard to that hon. Gentleman, as well as with regard to my right hon. and learned Friend

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near me, I subscribe with all my heart and soul; and I admit that the appearance of such names as theirs on the Commission would have been an honour and bulwark of strength to that or any other body. But, Sir, the power of the Government is limited. It is not for us to command the services of those who, in the free exercise of their own judgment, may find that their public duty calls them too much in a direction different to that which we might desire they should take. But having rendered this just tribute to those Gentlemen, I must say that I do not in the slightest degree qualify the declaration I have made with regard to the gentlemen whom we have appointed. We cannot admit that a cordial support to this Bill is a disqualification for a seat on this Commission. We cannot admit that if the hon. and learned Gentleman (Mr. Litton) pointed out anything on a certain occasion which he thought circuitous in our method of proceeding, that it was to be considered in any degree as a fault on his part. It would appear from what the noble Lord opposite (Lord Elcho) said that the hon. and learned Gentleman stated in his speech at Belfast that the "three F's" are in this Bill, although they were not deliberately and directly inserted in it. Well, the controversy as to whether or not the "three F's" are in the Bill is one into which I have not entered. The "three F's" I have always seen printed have been three capital F's; but the "three F's" in this Bill, if they are in it at all, are three little f's. In the communications we have received in Downing Street from the hon. and learned Member for Tyrone (Mr. Litton), as well as from the hon. Member for the County of Cork, and likewise in the discussions in this Committee, we have derived considerable assistance in the construction of the details of this Bill. I am very glad that the Committee has had an opportunity of considering these names, and that every hon. Member has had an opportunity of offering remarks upon them. But in this matter—in passing these names through the ordeal of public discussion—neither on my right hon. and learned Friend near me, with whom I have been so closely associated in the conduct of the Bill, nor anyone else, would I wish to cast one shred or tittle of the responsibility attaching to the

*Mr. Gladstone*

Commissioners. That responsibility is ours. We accept it, and even court it.

Mr. BIGGAR said, that some Members of the Party to which he belonged more or less differed from him upon this subject; but he was not going to discuss the *personnel* of the Commission. He was only acquainted, personally, with one of the Commissioners; and, therefore, it would be out of place for him to criticize them at all, and especially for him to criticize them in an adverse manner. The hon. Member for the County of Waterford (Mr. Blake) had laid down a proposition to which he was inclined to take exception. The hon. Member had said that, instead of three Commissioners, it was desirable that they should appoint five; but he (Mr. Biggar) thought two things were desirable—in the first place, that the Government should not have too large a patronage in their hands; and, in the next place, that, as far as possible, public expense should be saved. An hon. Friend near him had made another proposition, to which he should be disposed also to take exception—namely, that the Government should have selected, as far as possible, Members of this House who had been extreme partizans in the interest of the tenant farmers to sit on the Commission. If one thing was more unpopular in Ireland than another, it was the giving of appointments by the Government to men who had openly advocated the interests of the popular party in Ireland. It was believed that those people, forgetful of the interests of their country, associated themselves with the Government for their own personal advantage. He was extremely glad that the Government had abstained from such appointments upon the Commission on this occasion; and he hoped that, in making the other appointments, they would also abstain from giving situations to hon. Members, or to political agitators who were not in the House. Such appointments were always unpopular, and were calculated not only to raise suspicion amongst friends, but also to give rise to suspicion in other quarters. The gentlemen who were so appointed proved themselves not very honest when they expected to be backed up by the Government. The hon. Member for Youghal (Sir Joseph M'Kenna) had said that too much attention had been paid to hustings speeches—

SIR JOSEPH M'KENNA: I did not say that too much attention was paid to hustings speeches. What I said was that you ought not to pay too much attention to them.

MR. BIGGAR said, he could not see any very great distinction between what he had said the hon. Member had stated and that which the hon. Member now declared that he had said. The doctrine that hon. Members when before their constituents were to make one class of speeches, and were to make another class of speeches altogether when they got into the House, was a doctrine to which he could not subscribe. The hon. Member for Cork City (Mr. Daly) had said that they should not look upon this question with too much jealousy. He (Mr. Biggar) thought they should watch the conduct of the Commission closely, and that, whenever there was occasion to do so, they should find fault with it. But that was the extent to which he would go. He would not condemn them before they had been tried; but as soon as they had proved their capacity, or their incapacity, as the case might be, he thought an opinion should be expressed upon it.

SIR JOSEPH M'KENNA wished to remark that what he had said was that too much attention should not be paid to hustings speeches in the House. He had not said that attention was not to be paid to hustings speeches elsewhere.

MR. BLAKE said, the hon. Member for Cavan (Mr. Biggar) had, no doubt unintentionally, misrepresented what he had said. He had not stated that the Commission should be composed of partizans in the interest of the tenants, as he would object to too strong partizans of any kind. What he had said was that it was a regrettable circumstance that some one gentleman had not been appointed on the Commission who was distinguished for his pronounced views in the interests of the tenants, and by his efforts in their behalf, and that such a Gentleman could have been found on either side of the House he had no doubt.

*Amendment agreed to.*

THE CHAIRMAN: I should here explain that the rest of the Amendments go out until we reach the Amendment of the right hon. and learned Gen-

tleman the Attorney General for Ireland at page 4, b.

*Amendment proposed,*

In page 21, line 27, to leave out from "vacancy," to end of Clause, and insert as new paragraphs—"The two Commissioners, other than the Judicial Commissioner, shall respectively hold their offices for seven years next succeeding the passing of this Act.

"If during the said period of seven years a vacancy occurs in the office of any of such other Commissioners by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to fill such vacancy; but the person so appointed shall hold his office only until the expiration of the said period of seven years.

"The first Commissioners, other than the Judicial Commissioner, shall be Mr. Edward Falconer Litton, Member for Tyrone, and Mr. John E. Vernon, of Mount Merrion, Booterstown."—(Mr. Attorney General for Ireland.)

*Question proposed,* "That these new paragraphs be there inserted."

MR. HEALY said, he quite approved of the idea of the Prime Minister to bring the matter every seven years before Parliament. But while any future Liberal Government might be in favour of the Bill, he would like to know how far power of revision might be exercised by a Conservative Government?

MR. GLADSTONE said, he thought it would be extremely undesirable, when there was a general settling down of the relations between landlord and tenant in Ireland, that these relations should be disturbed. Under the Land Act the judicial business in Ireland had been very much less than had been anticipated, and it would be extremely unsatisfactory to the country if any large establishment was being maintained at high salaries in consequence of the Government failing to provide some means of reconsidering the question. Reference had been made to the present indisposition of the Conservative Party to appreciate the value of this Bill; but it must be hoped that when the good results which the Government anticipated from it were gradually realized, he should be slow to believe that the Tory Party would not acknowledge the benefits of the Act. That Party might be in Office for seven years, or might be in Office and thrown out again. Whether that were so or not, he had no doubt that when this important statute came to be recognized as part of the fixed legislation of the

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country, no Government subject to the control of Parliament and public opinion would object to carrying it into effect.

*Amendment agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

#### NEW CLAUSES.

MR. W. E. FORSTER said, the first new clause was one relating to labourers' cottages, and was a very important matter; and he was quite aware that the time had arrived when explanation of the intention of the Government might be required by the Committee. This was a Bill mainly brought in to settle the relation between landlord and tenant; but it was impossible to lose sight of the labourer and those who knew his position and wished to improve it, and he was glad to see the sympathy which had been expressed with the condition of the labourer on both sides of the House, quite independently of Party, quite independent of the feeling with regard to the general objects of the Bill. There could be no doubt that the agricultural labourer in Ireland was very badly off. The reason why he was so badly off was that there was not much demand for his labour. He did not imagine that by any clause he could bring in, or that the Committee could agree to, they could get rid of the great present cause of the labourer's distressed position. He looked forward with hope that the effect of this Bill would, at all events, improve the labourer's position. If the Bill did any good at all, it would increase the culture of agricultural land in Ireland, it would increase the amount of capital which would be spent in Ireland, and, as the hon. Member for Cork had fairly said that day, what was mainly wanted in Ireland was more money. The Government hoped the result of this Bill would be to induce more capital to be employed successfully and more labour to be employed in Ireland. There could be no doubt that the labourer's condition was made worse and his low wages aggravated by the bad state of the cottages in which he generally lived. Political economists would say that if anybody was compelled to put up better cottages it would merely reduce the wages. There was some truth in that, but it was not absolutely true. If they could get la-

bourers' cottages improved, that would happen in Ireland which had happened in England, where improvement in cottages had not always meant decrease in wages. The object of this clause was to improve the condition of the houses, or, at all events, to remove obstacles in the way of improvement. What applied to cottages would apply also to allotments. That which was a good thing for labourers in England would be a still better thing for labourers in Ireland. One reason of the distressed condition of the labourer was that there was much less demand for his labour throughout Ireland than there was in England. A reason for that was that the tenancies in Ireland were so much smaller than in England. The labourer was often a farmer, and had a son, and consequently outside labour merely stood a chance of coming in to fill up gaps. Everyone would admit that the Government should not multiply the number of small cottier tenants. If they did that, they would be producing in other parts of Ireland one of the evils they had to contend with in the counties of Mayo and Galway, where the holdings were much too small for good and decent living. Therefore, in trying to provide for allotments, they must take care that they did not tempt the labourer to rely on his small plot of land for his livelihood, but rather that he should rely on his main source of income, and that was the production of his labour. He hoped he had nearly said enough in explanation. It was absolutely impossible to leave the labourers out of this Bill, because, in modifying the relations of landlord and tenant, they could not avoid affecting the position of the labourer. So far as they gave security to the tenant, they put the labourer for the time being more completely under the control of the tenant. There was no avoiding that. Therefore, there had been a general feeling in the Committee that they ought to take care that in doing that they do the labourer no harm. What the Government had done was to give power to the landlord to erect cottages under the sanction of the Court and under fair terms of compensation. They had to deal with the tenant in regard to the power of sub-letting. The 1st clause was to give him the power of sub-letting, because by the 24th clause they had taken from him the power of sub-

*Mr. Gladstone*

letting. The tenant could not let cottages unless Parliament gave him the power to do so. The Government thought there ought to be some check on the amount of rent charged by the tenant upon the labourer, and that was provided in the clause by the power of the Court to prescribe the terms. It was provided that there should not be more than half-an-acre let in each case, and that there should not be more than one cottage or allotment for every 25 acres, or less than 25 acres. Perhaps he might be permitted, before he sat down, to make some allusion to the 2nd clause, because the course would be more convenient to the Committee. In addition to the 1st clause there was another which would fasten upon every application by any landlord or tenant the possible obligation that the Court would have to consider, or might consider, whether labourers' cottages were absolutely wanted on that tenancy, and if the Court thought they were so wanted, then to fix the judicial rent. He had now explained the way in which the Government had endeavoured to deal with the question; and if the Committee agreed with the Government, they would certainly leave the labourer no worse, and he believed they would leave him better than they found him.

#### New Clause—

(Letting for labourers' cottages not to be within the restrictions of Act.)

"Any person prohibited under this Act from letting or sub-letting a holding may, with the sanction of the Court, and with power for the Court to prescribe such terms as to rent and otherwise as the Court thinks just, let any portion of land with or without dwelling-houses thereon to or for the use of labourers *bonâ fide* employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this Act, or to be a letting prohibited by this Act: Provided, That the portion of any holding so let does not exceed half an acre in each case, and that the total number of such lettings of portions of a holding does not exceed one for every twenty-five acres of tillage land contained in the holding,"—(*Mr. William Edward Forster*.)

—brought up, and read the first time.

Motion made, and Question proposed,  
"That the Clause be now read a second time."

LORD RANDOLPH CHURCHILL said, he was bound to say the Committee had gone through a good deal in

the course of this Bill. They had had to swallow some of the most bitter provisions and principles which had ever been pressed upon Parliament; but there was a limit to the political digestive capacity of even the most capacious of hon. Gentlemen. He could not help thinking that this limit had at last been reached. When they found that freedom of contract between landlord and tenant had been abolished, and not only that, but they had abolished all contracts that had hitherto been concluded between landlord and tenant, now they were called upon to abolish freedom of contract between the labourer and his master. In this matter it was time that somebody in the Committee should make a decided stand upon this point, and for this reason. When they abolished freedom of contract with regard to rent, and when they got such a valuation as the Court thought proper to give, there was no further liability for anyone to interfere between the labourer and the tenant. There would be no fixity at all. They were attempting to regulate by the intervention of the State what it was beyond the power of the State to regulate, unless by the law of supply and demand. He would not object to this clause if certain words were left out, because there was no reason why the tenant should not be allowed to sub-let. The rent of cottages, and the rent of allotments, were inseparable parts of the labourer's wages. In England and in Ireland that was the same. If a labourer occupied an allotment on a farm, that matter must be taken into account in the wages he received. By raising the rent of the cottage they would be diminishing the wages of the labourer. Was it worth while, in order to attempt to accomplish what it was beyond their power to accomplish, that they should run such a tremendous risk? They were attempting to introduce principles which had been dropped ever since the reign of Henry VIII., when the last attempt to regulate wages by State interference was made. It was left to hon. Gentlemen who had sought to defend liberty in every form to go back to the principle of the State regulation of wages. It was said that the building of cottages in England had not interfered with labourers' wages. Hon. Members seemed to forget that cottages in England were never built by the

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tenants. It was always done by the landlord, who wished to improve his property, and who wished, from the best of motives, to improve the condition of his tenants. Why should the tenant be the person to improve the property? The Government were interfering in a matter which was an inseparable part of wages, and the more they interfered the more ridiculous became their efforts. He ventured to suggest that the Government had not gone rightly to work on this question of the labourer. He would co-operate with the Government in any real attempt to improve the condition of the Irish labourer. The way he would have gone to work would have been to throw greater power into the hands of the local authorities. He remembered a Bill to give Local Boards in England power to purchase land compulsorily for the purpose of allotments for labourers. Not a word could be said against that principle. The proposal now made was in conflict with the simplest and soundest principles of political economy. The Government might attempt to force things on a minority; but the attempt would be attended with nothing but failure.

COLONEL COLTHURST said, the noble Lord's suggestion, as to the great question of allotments for labourers, were well worthy of consideration. In the clause now before the Committee, the Government was attempting to deal with the question of labourers living on farms, and hired from year to year, and not with those who lived in towns or villages. There were a large number of labourers who would not benefit by the proposals; and he did not think, with all deference to the noble Lord, that the local authorities could do anything for them. As to the 2nd clause, it would be of most enormous advantage, because it not only imposed upon the tenant the obligation, but the necessity of finding accommodation for labourers, and would find him the means of doing it.

LORD EDMOND FITZMAURICE said, he believed everybody would rejoice that the Government, by placing this Amendment on the Paper, had shown their recognition of the fact that the condition of the Irish agricultural labourers was a subject deserving of the attention of Parliament. No one who had any acquaintance with Ireland could doubt that the condition of the Irish agri-

cultural labourers was nothing short, as a rule, of a scandal to civilization. They lived, as a rule, in dwellings where human beings ought not to dwell; and he believed the Acts which had of late years been passed giving power to the sanitary authority to prevent these scandals had been found in Ireland almost impracticable. Therefore, Her Majesty's Government had done well to show that they considered this question was one that every person who had an interest in the welfare of the population of Ireland ought to take to heart. Personally, he was not very hopeful as to what legislation could do. He would like more personal effort and private enterprise. He remembered well, when his right hon. Friend the present Postmaster General (Mr. Fawcett) called attention to that condition of agricultural labourers, he stated that he wanted the people to consider what in their own localities they could do. So this clause might do much in causing the landlord and farmer to do what they could to raise up the condition of the Irish agricultural labourer. There had hitherto, in regard to this condition, been a great many misunderstandings. He saw it stated, over and over again, in English newspapers that no clause such as this could have any effect, because there were in Ireland no agricultural labourers. That might have been true at the time of the Devon Commission; but since then the consolidation of holdings had been going on extensively in Ireland, and in some parts, at least, it had undoubtedly called into existence a *bona fide* class of agricultural labourers. He believed that hon. Members opposite would fully confirm the accuracy of what he said. What they had now to consider was what was to be done in the future. He regretted that Her Majesty's Government had not done something in the way of giving further powers to the local bodies; and he would remind the Committee that there was a precedent for this in English legislation in the inclosure schemes, which were from time to time brought before Parliament. What was the course pursued when an inclosure scheme came before Parliament? It set out that a certain quantity of land was required for allotments, and for recreation ground, and for labourers' dwellings, and from time to time Parliament gave power to

*Lord Randolph Churchill*

the local bodies to hold land for the benefit of the poor in their own district. He should have been glad if something of that kind could have been done here, and he had been in hopes that the hon. Member for Cork (Mr. Shaw) intended to suggest something in that direction. He believed it would be an effectual method of attaining the end they had in view. He was bound to say that he agreed with the remarks which had been made by the hon. Member. He did not think they ought to do anything in the way of regulating the rent of the labourers' dwellings; if they did, and made the cottages cheap, the farmer would lower the amount of wages he paid. The Irish farmer was a shrewd, calculating man, and as he knew the circumstances of the locality very well, he would know that a labourer was occupying a certain cottage and piece of allotment land for 2s. a-week, for which he ought to pay double. The consequence would be that he would strike off 2s. a-week from the labourer's wages. He agreed with the criticism of the noble Lord opposite (Lord Randolph Churchill) as to the politico-economic aspect of this clause; but such arguments were addressed in vain to the right hon. Gentleman the Chief Secretary for Ireland, because the right hon. Gentleman had a wholesome terror of political economists. Indeed, the right hon. Gentleman seemed to have some difficulty in addressing the Committee without going almost out of his way to throw a stone at the political economists. The right hon. Gentleman said political economists asserted that if they gave the labourer a better cottage they would lower his wages. He challenged the right hon. Gentleman to produce any political economist to back him up in that statement. The right hon. Gentleman the Postmaster General (Mr. Fawcett) was a Professor of Political Economy; but would the right hon. Gentleman say so? He challenged the Chief Secretary to find any passage in any work of recognized authority on political economy which stated that the giving of a better dwelling to a labourer tended to lower his wages. No work on political economy allowed such a deduction to be drawn, but exactly the converse. Political economists always taught that the converse would be the case.

MR. CALLAN rose to Order. There were two clauses to be proposed by the right hon. Gentleman the Chief Secretary. But at present only one of them had been proposed, and was it competent for the noble Lord to discuss the one which had not been moved?

THE CHAIRMAN: It is not competent for the noble Lord to discuss the 2nd clause in detail. It is the 1st clause which is now before the Committee.

LORD EDMOND FITZMAURICE said, he was simply replying to remarks which had already been made, and his remarks were relevant to the 1st clause and not to the 2nd. Political economy had always shown that in proportion as they raised the standard of the comfort of the labourer they tended ultimately to raise the standard of his remuneration. In the rest of the Bill there was a correlative. The tenant had a certain fixity and security for the labour of the labourer.

MR. CALLAN said, he rose again to Order. He wished to know whether there was anything whatever as to the fixing of rent in the clause now under discussion? The clause was the first of the Chief Secretary's new clauses, and it had nothing to do with that question at all.

THE CHAIRMAN: I think the clause does bear upon that subject. It says that such terms may be prescribed as may appear to the Court to be just.

LORD EDMOND FITZMAURICE trusted the hon. Member would move the Amendment he was about to propose before he interrupted him. The clause distinctly gave power to the Court to prescribe such terms as to the rent or otherwise as the Court thought just, and these interruptions on the part of the hon. Member for Louth were most unusual and most discourteous. The point he was desirous of raising was this—What was to be the position of the labourer? Was he to enjoy, as against the farmer, the same right which the farmer enjoyed as against the landlord? He also wished to point out that the fixing of rent in the way proposed raised a new and important set of considerations, because, as he understood, the whole of this Bill, in regard to the fixing of rent, had arisen from this circumstance, that the tenant had had the rent of the holding fixed by the landlord in a way in which the Court has not recog-

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nized, and you have called in the aid of the Court to decide between the two to prevent the landlord from eating up the tenant or the tenant from eating up the landlord. Nobody could argue that the labourer had the same joint proprietary right as the tenant; and, as had already been pointed out, the Government were in point of fact regulating wages, and they were basing their proposal upon arguments which were exactly the same arguments as those which were used by Socialists to justify the fixing of the price of bread, and the fallacy of which was shown 100 years ago by Adam Smith. Would it not be far better, in regard to this matter of rent, to trust to the improving civilization of Ireland rather than to embark in legislation which was, in regard to these particular words, simply the re-enactment of the Statute of Labourers of Queen Elizabeth, which was one of the most absurd and ridiculous failures that had ever adorned, or rather had not adorned, the Statute Book.

SIR R. ASSHETON CROSS: I am glad that the labourers, even at this late period, have been deemed worthy of the consideration of the Government and of the Committee. No one can conceal the fact that when the Bill was first brought in the whole question of the labourers was left out of it. But we are now brought face to face with the question, and I shall heartily support the Government in any endeavours on their part to raise the condition of the labourer in Ireland. But in this particular proposal as to rent, I think they are proceeding upon a wrong tack. I do not see how it can be imagined that the Court can fix the rent without fixing every other detail with regard to the hiring of the labourer by the farmer. The proposal is opposed not only to all the principles of political economy, but to all the principles of sound common sense, and I do not believe for a moment that it could possibly work. The noble Lord who has just sat down (Lord Edmond Fitzmaurice) has pointed out, clearly enough, the difference between the relations of the labourer and the farmer, as well as the difference between the relations of the farmer and the landlord. The labourer can have no joint proprietary interest as against the tenant farmer; but if he could be put upon a better footing, in respect of cottage accommodation, so much the better. It might be

possible to put him upon the land as the holder of an office or of an appointment. The clause, as it stands, limits the matter to providing accommodation for the labourers necessary for the working of the estate; and when a labourer ceases to work on the estate he would, very properly under the clause, be disentitled to any of the benefits of the Act. It is one of the questions dealt with the other day to which the provisions of the Act were very properly and necessarily held not to apply. There is, however, one other question which I would venture to press on the Government. I should have thought it very much better that the matter should be left entirely in the hands of the landlord. All questions, then, as to the imposition of an exorbitant rent would disappear. I do not think it should be intrusted to the local authority. There would be great difficulty in doing that. But whatever is to be done the tenant should not have permission to put up any building which has not the approval of the local authority in regard to the sanitary arrangements. I would press that upon Her Majesty's Government, because I am certain that unless the local authority has some control over the sanitary arrangements of the building we shall have very bad buildings put up. But on the question of rent, I hope the Government will be able to see their way to withdraw from the position they have taken up, and will leave that to the ordinary controlling conditions of supply and demand.

MR. SHAW said, that as he understood the question, the Commissioners would have power to deal with it whenever a dispute arose between the labourer and the farmer; and he thought it would be extremely advantageous that the Court should have some power to interfere in the case of a dispute as to the rent of a cottage. It must be borne in mind that there was no uninclosed land in Ireland; and, therefore, it was impossible to stake out small plots for the accommodation of the labourers. The only other means of giving adequate accommodation to the labourer was to purchase part of the property, and that part would be a very small part only, unless some such arrangement as that proposed by the present clause was come to. The question of labour, and the condition of labour, in Ireland, was one

*Lord Edmond Fitzmaurice*

that must be left very much to the future, and he believed that the Government had done as much in these clauses as they could be expected to do under the circumstances. It must also be taken into consideration that if they did too much for the labourer, they might run the risk of improving him entirely off the face of the farm. If they said to the farmer that "he must do this and do that" for the labourer, the farmer, in the end, would do without the labourer at all. He would soon find that it would not pay him to employ the labourer; and, therefore, the labourer would be driven off the land, and would certainly find himself housed in a most miserable condition. He had not the slightest sympathy with the intention, which some of the landlords seemed to have, of getting up a feud between the farmers and the labourers, as if there could be such a thing as antagonism between them. He believed that the labourers, in his own county, were wretchedly paid and wretchedly housed; but if Parliament went to the farmer and said, "You must do this," they would soon find that the labourers, upon many farms, would be in a much better position than the tenants themselves. Nothing could be more wretched than the condition of the tenants. Many of them were miserably housed; no doubt, there were many good landlords, and the people of Ireland were now asking for the interference of the Government, because the condition of the tenant, and the general condition of the estate, were not satisfactory, and because the landlords had not done their duty. It was now proposed to go to the other end of the scale, and impose a duty upon the tenants of providing good dwellings for their labourers, whereas they had never imposed a similar duty upon the landlords, of providing good cottages for their tenants. The whole question was one which it was very difficult to deal with, and he would suggest that the Land Commission should look into all these questions, and report upon them to the Government, with a view to future legislation.

MR. PARNELL remarked, that as he was the first Member of the House who had suggested that something might be done for the labourers in the present Bill, he was glad the Government had introduced these clauses, which, though very deficient in character, still indicated

a desire on their part to do something to improve the condition of the labourers. He was not one of those who thought that because a labourer lived in a good house, he would, therefore, work for less wages, for the farmer. He thought, on the contrary, that the comforts of home would give higher ideas to the labourer as to the way in which he was entitled to live, and he would be more likely to look for better treatment and better wages from the farmer, if he was given a good house, than if he was placed in a wretched hovel without ordinary comforts. But he could not help seeing that as regarded the 2nd clause proposed by the Government, it was proposed to give power to the Commission to direct the tenant, when applying for a judicial rent, to build certain labourers' cottages on his farm. He was afraid that there might be some difficulty in the practical working and carrying out of such a clause. Of course, the 1st clause was a corollary to the provision they had already inserted in the Bill, giving the landlord the power of resumption for the purpose of building labourers' cottages, for, as far as that 1st clause went, he thought it was one that ought to be passed, and one that would be of a highly beneficial character. But the 1st clause was of a permissive character, and only touched the fringe of the labourers' question. The Government, in proposing the 2nd clause, were introducing a provision which, undoubtedly, deserved consideration as a tentative measure, and one which, he believed, would be attended in its working with advantage. He was sorry that they did not propose to give power to the local authority to build labourers' cottages in the manner suggested by the hon. and learned Member for Dundalk (Mr. C. Russell). The Government could take up the suggestion in three ways. First of all, they might give power to the landlord to do something for the labourer; secondly, they could give power to the tenant; and, in the third place, if they had given power to the local authority to do something, their measure would have been far more perfect than it was, because it must be borne in mind that the large proportion of the labourers were compelled to live in towns, and that the farmers would be deterred from doing anything, owing to the fear of casting addi-

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tional burdens upon the Union rates. If the Government had included power to the local authority, they would have covered as much of the work as they could be expected to undertake. But he was afraid that unless they gave some additional power to some independent authority, the labourers would not be satisfied with the result of the working of the provisions of the Bill in his favour. He should be glad to hear, even now, that when the clause of the hon. and learned Member for Dundalk came on, the Government would be prepared to reconsider the matter. He admitted that the local authorities in Ireland—certainly in many parts of Ireland—were, to a great extent, deficient and not sufficiently representative, and that, in other respects, they exhibited many shortcomings. But he thought that some confidence might be extended to them, and that they might have some power given to them to take care of a labourer whose case would not be covered by the two clauses proposed by the Chief Secretary for Ireland. He hoped, as regarded the suggestion which had been made, that the Government would adhere to the last part of the 1st clause, which provided for the fixing of rents by the Court. He hoped the Government would stick by that. He knew nothing more calculated to breed dispute between landlords and farmers than the practice which many farmers might adopt of imposing exorbitant rents upon their labourers. He did not think that in the working of this provision it would be found that any improved cottage accommodation, or any diminution of the rent of a cottage, would be made a reason for inducing the farmers to reduce the labourers' wages. As a rule, in most counties, the rate of wages was uniform, whether the labourer had a cottage or not. He was assured that a standing rate of wages was adopted in most districts, and the fact that the labourer had a cottage at a fair rent from the farmer would not be considered by public opinion, in such districts, to entitle the farmer to deduct anything from the labourers' wages on that account. He therefore hoped the Government would adhere to the provision in regard to the fixing of rents by the Court. Although it was not a perfectly scientific one, it was worthy of trial, and could not possibly injure the farmers.

*Mr. Parnell*

Mr. W. E. FORSTER: I do not wish to shorten the discussion on the subject generally; but I hope that the Committee will consent now to take a division upon the second reading of the clause. I do not think that there is any difference of opinion upon that point, and the discussion could then, if necessary, be continued afterwards. As to the question which has been raised, of giving power to the local authorities to require cottages to be erected for the labourers, that is a matter which would really require another Bill. It is not a matter that could be dealt with in a measure affecting the relations between landlord and tenant. If such a measure were brought forward it would be necessary to give compulsory powers of purchase, and it has already been stated that such compulsory powers may not be introduced into this Bill. Therefore, we are precluded from dealing with this question in the present measure. The Chairman has stated, in regard to another matter, that the care which is taken by our Standing Orders of the rights of property would require, when compulsory powers are asked for to purchase land, that the application should first of all go before the Examiners of Standing Order proofs, and that obligation has not been complied with in regard to this Bill. We are all agreed that there must be a clause giving power to sub-let for the purpose of providing labourers' dwellings, and the only difference of opinion is, whether—

"Power should be given to the Court to prescribe such terms as to rent and otherwise, as the Court thinks just, to let any portion of the land with or without dwellings thereon."

The meaning of that is, not that the Court must fix the rent, but that the Court may fix the rent. I think my noble Friend (Lord Edmond Fitzmaurice) who has made charges against me, in regard to political economy, has somewhat misapprehended my remarks. I will not, however, enter into a controversy with my noble Friend now, I will only put the question in this way. Can we really decide that the Court shall have absolute power to fix the rent for every holding taken by a tenant, and that it shall not have power to interfere with any amount of rent that may be charged for the cottage of the labourer?

THE O'DONOGHUE said, he approved of the Government clause as fairly indicating the only way in which

the labourers' question was to be settled. He understood that the question was to be settled through the instrumentality of the farmers. What the labourers desired was to get back upon the land, and there was no probability of the landlord gratifying that desire to any appreciable extent. He admitted that in a few cases landlords had built cottages on the estate for labourers; but, as a rule, no landlord would take land in an agricultural district and plant labourers upon it, nor did he think the State, or any other body, would do it, for they would be unable to guarantee labourers anything approaching permanent employment. He agreed with the hon. Member for Cork City (Mr. Parnell) that there was no antagonism between the farmers and the labourers. The labourers were men who had been themselves evicted, or they were the sons or grandsons of men who had been evicted; and the farmers had, under threats of fatal consequences to themselves, been prevented from allowing labourers to get back on the land. So far as the clause indicated that it was through the instrumentality of the farmers that the labourers' question was to be settled, he quite approved of it; but most assuredly the clause was far from settling the question. The farmers had pledged themselves, and certainly would not repudiate their engagement, to assist the labourers to the same terms as to rent and tenure as they had obtained for themselves.

MR. O'SULLIVAN said, that so long as there were divisions between labourers and farmers the extreme landlord party encouraged the differences; but now, when a small attempt was being made to settle this question, the same extreme party protested that this was an attempt to settle the wages that should be paid to the labourers. But this was nothing of the kind. What was wanted was that labourers should have decent homes near their daily work, and not have to walk two, three, and four miles to and from their labour. It was not proposed that there should be any Parliamentary settling of the rate of wages, but that there should be homes for the labourers. The land could not be tilled without the labourers, and they had as much right to live on the land as either landlord or tenant. But the clause would be almost useless unless it were made imperative. Take the cases of such estates as those

of Lord Ashdown, Mr. Gascoyne, or Mr. Coote, where the tenants had leases for one, two, or three years, every one of those leases contained a clause against giving any part of a holding to a labourer. What would be the use, then, of a clause of this kind, unless it were made imperative? It might be some good in the case of tenants with statutory terms; but, with tenants holding such leases as he had mentioned, to merely allow them to build cottages was worthless. All the labourers wanted was a house with, say, half an acre of ground attached, to every 25 acres of land. To the word "tillage" he objected, as likely to destroy the effect of the clause. The farm might contain a less area of tillage; but if the labourer were employed, there was equal necessity that he should be housed. He begged to move that the word "tillage" be struck out of the last line.

THE CHAIRMAN: The hon. Member must give Notice of that Amendment later; at present the Motion is for the second reading of the clause.

SIR JOSEPH M'KENNA said, it would be well to have some indication of the tenure upon which a labourer should occupy his cottage. The clause was simply one to permit the letting of plots of land for erecting cottages for *bona fide* labourers; but he wished to know, if the labourer, after getting his holding, should differ from his landlord—the tenant of the entire holding—as to the rate of wages upon which he should work, or upon any cause, how would the clause work? Would the labourer's tenancy of his cottage cease instantaneously with his cessation of work? He pointed this out merely as a difficulty which the clause did not seem to meet; he believed, however, in the object, and that the giving facilities to farmers and inducements to landlords to build a sufficiency of labourers' cottages would be a great boon.

MR. VILLIERS STUART said, as he had an Amendment on the Notice Paper which would give him an opportunity of entering fully into the subject later on, he was unwilling to trespass on the time of the Committee now; but, at the same time, having heard the criticisms on the proposal of the right hon. Gentleman, he was anxious to take the opportunity, on behalf of the labourers, of expressing their gratitude for the clause. The subject was very difficult,

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and, in the clause, had been dealt with very ably and skilfully. It fell, of course, far short of meeting the entire case; but, so far as it did go, it was excellent. He agreed with what had been said by the hon. Member for the City of Cork (Mr. Parnell); and he knew, from his experience of the relations between farmers and labourers, that it was a fallacy to suppose that the improvements in the cottages of labourers would diminish the rate of wages. That would not be the case, he was satisfied. As the hon. Member for Cork had said, there was an understood rate of wages in different counties, and no farmer would offer less than the usually-accepted rate of wages—so that objection entirely fell to the ground. He should give a hearty support to the second reading of the clause.

COLONEL BARNE said, he should like to know under what tenure the labourer's cottage was to be held? Were labourers to become statutable tenants, and to be under the Act? There was nothing in the clause to decide that. Would the farmer from whom the cottage was hired be able to eject the labourer, or would the latter come under the working of the Bill? because he maintained that if the labourer did come under the working of the Bill then the clause would be entirely useless, and no cottages would be built. It was quite evident they would not be built unless the farmer were able to eject his labourer when he might happen to disagree with him, or when he had no use for his labour. The labourer might fall into bad habits, get drunk, grow riotous, or careless; and would he still continue to occupy his cottage, though it was not worth the farmer's while to pay him his 10s. or 12s. a-week? Probably the labourer would come under the working of the Bill; it was not clear that he did not. Perhaps the Chief Secretary could explain that point.

MR. W. E. FORSTER said, he would not come under the Act, and the reason would be found in the Definition Clause, the 46th, sub-section 5, which excluded from the Act any holding held by the occupier by reason of his being a labourer or hired servant. Power would be given to the Court to prescribe such terms as to rent and tenure as seemed just.

MR. P. MARTIN said, the clauses in this Bill could not be considered

a final settlement of the question. He agreed with the hon. Member for Waterford (Mr. Villiers Stuart) that the clauses did, to some extent, encourage the building of cottages and the providing better accommodation for labourers. But, considering the expectations encouraged and the promises made by previous Governments as well as by the Chief Secretary, it was now impossible the subject could be put off for an indefinite period. So far back as the first Commission on the Land Question it was pointed out that it was necessary to deal with this part of the subject; and he would respectfully suggest to the Committee that if they took up the subject at all, they should deal with it in a thorough and satisfactory manner. He would remind the right hon. Gentleman that the pressing necessity of finding some mode of satisfying the well-founded complaints of the labourers had been admitted by both sides of the House. In the proceedings of the Committee which sat in Dublin on Land Tenure the grievances of the labourers were not only pointed out, but the form of machinery for their remedy was indicated. He would not enter into the question at large, because the clause would have to be dealt with afterwards; but he would venture to suggest, again, that if the right hon. Gentleman would carefully consider the clause as put upon the Paper by the hon. and learned Member for Dundalk (Mr. C. Russell), and the recommendations that were made in connection with the Report of the Committee on Land Tenure, he would see that the subject, when approached, was not so difficult and incapable of satisfactory adjustment as at first sight might appear.

MR. CALLAN said, he hoped the Committee would have a distinct undertaking given in relation to this matter that the adoption of this clause would not in any way relieve the Government from the pledge given through the Chief Secretary for Ireland, on the 6th of May, to deal with the labourers' question in a comprehensive manner. Next year, when he introduced a measure on the subject, as he promised to do if the Government did not take it up, he did not wish to be met with the rejoinder that the promise given on the 6th of May was redeemed in the Irish Land Bill of 1881. Without such a declaration he must go to a division. He

*Mr. Villiers Stuart*

wished to pin the Government to a distinct understanding, for without such given across the floor of the House he had no faith in Government intentions. On the 6th of May the Chief Secretary said—

"I think it may be expedient to pledge the House to the proposition that measures should be taken to improve the condition of the dwellings of agricultural labourers in Ireland, if the hon. Member for Louth would consent to leave out of his Resolution the words 'in the present Session of Parliament.'" — [3 *Hansard*, cclx. 1983.]

Now, would the Chief Secretary say that he would not hereafter rely on this clause as the redemption of the pledge given to take up the subject? For if he did not, it would be a mere subterfuge to tell the advocates of the agricultural labourers another year that it had been dealt with by this clause. Let the Government next year bring forward a measure dealing with the subject in a large and comprehensive spirit. He did not suppose that they considered the clause anything of that kind, though it might tide over the difficulty. He hoped the Chief Secretary would relieve all apprehensions on the point. There was another matter he would commend to the Government if they wished to deal in a large and comprehensive manner with the subject, and really wished to facilitate the erection of cottages, and that was that they should strike out that portion of the clause that required the farmer to obtain the sanction of the Court. He would take it for granted that next year the Government would relieve the clause from all restrictions, so as to facilitate the setting aside of land for the purpose; but, meantime, it might be assumed that the Court would not be at work before January next year, and there was no stipulation as to what time the Court should take for consideration. It might take 12 months before giving the farmer sanction to erect labourers' dwellings. He wished to have this sanction omitted, so that without restriction the farmer, if he so pleased, and had the necessary number of acres, could proceed at once to build his labourers dwellings. As to the condition of 25 acres of "tillage" land, every friend of the labourer must oppose that, for it would be an absolute prohibition to the building of cottages in grass districts, where they were most required.

But, as he had said, his point was now to get from the Government a pledge that they would not consider this clause the redemption of the promise of May 6th.

MR. W. E. FORSTER said, the hon. Member had declared he would divide against the clause unless he had a satisfactory answer; he, however, generally approved of the clause. He had referred to the debate of the 6th May, and in that debate he (Mr. W. E. Forster) stated that in all probability something would be included in the Land Bill which would improve the condition of labourers' dwellings; that the Government would do this if they could. It was very well known that in the Bill they could not legislate generally on the labourers' question; but the Government did believe that it ought to be dealt with so far as the Bill would allow, and with that object, and the hope of a good result, this clause had been brought forward. He did not consider that in the slightest affected the Resolution arrived at by the House on the 6th of May, that the condition of agricultural labourers required the attention of Parliament.

MR. CALLAN said, were the Committee to understand that the Government did not, under cover of this clause, retreat from the position they took up on the 6th of May, that the question of labourers' cottages required attention, not in the present Session, because time pressed, but in the next?

MR. W. E. FORSTER said, he hoped it might be done, but no promise was made. He assented to the Resolution that the condition of the labourers required attention and improvement, and from that the Government did not wish to recede.

*Motion agreed to.*

Clause read a second time.

Motion made, and Question proposed, "That the Clause be added to the Bill."

MR. CALLAN said, he begged to move the omission of the words requiring that the tenant should obtain the sanction of the Court. This was a mere tentative measure, and would be in operation only for a year, because next year the Government, in fulfilment of the pledge given, and just now confirmed, would deal with the question of labourers'

dwellings in a subsequent measure. If the words to which he objected were retained in the clause, the tenant farmer would have to make his application to the Court, and, following the general rule of Commissions, he would have to serve a notice of his intention on the landlord, and the result would probably be that the tenant farmers of Ireland would not be enabled to get permission from the Court for at least six months after the Court came into operation. For that period, at least, the building of a labourer's cottage would be put off. The Bill, however, would become operative the moment it passed; and he wished to relieve the tenant farmer from the restriction that would tie his hands and compel him to wait for the sanction of the Court, and to allow him to begin at once, and, if he pleased, erect cottages for his labourers in the proportion of one to every 25 acres. So clearly did this seem for the advantage of the class in whose interest the clause was inserted, that he could not understand how the Government should object to his Amendment.

Amendment proposed,

In line 2, to leave out all the words after the word "may," to the word "let," in line 3.—  
(*Mr. Callan.*)

Question proposed, "That the words 'with the sanction of the Court' stand part of the Clause."

MR. W. E. FORSTER said, he could not imagine any Court, especially a Court constituted as this would be, would refuse the sanction, except in extremely rare cases; but some power of limitation was required, some check was necessary, otherwise it would be found that under cover of dwellings for his labourers, the tenant might provide cottages for his labourers' families or others. It was necessary, also, to have such a power in the interest of the labourer, and to prevent, in extreme cases, the tenant charging an exorbitant rent.

MR. CALLAN said, an answer to the Chief Secretary's argument that the tenant might abuse the power given him and erect dwellings for other than *bona fide* labourers, would be found in the clause itself, which provided that the portion of any holding so let should not exceed half-an-acre in each case, and that the lettings should not exceed the proportion of one to every 25 acres of tillage

*Mr. Callan*

land. If the Chief Secretary knew as much about agriculture as he did about the woollen trade, he would know that one labourer to every 25 acres was a rather low average, and that a very high tillage could be carried on with that proportion. The fact was, a restriction would be imposed such as had never been imposed before as to this building of cottages. It was proposed that under no circumstances should cottages be built on a farm without the sanction of the Court. The importation of American beef had, within the last few years, materially changed the nature of farming operations in Ireland. For instance, he had a farm before his mind, one of his own, consisting of 100 acres entirely grass. If he wished to build labourers' cottages, and convert the farm into tillage, he would have under the clause to go to the Court and get the sanction of the Court to build cottages; but, at the present time, he was under no such restriction. Could it be said that such an enactment was in the interest of agriculture? Hitherto a farmer could build a cottage when he wished; and the provision that the proportion of one to 25 acres was quite sufficient to check any abuse.

MR. PARNELL said, he must certainly go with his hon. Friend that the restriction "with the sanction of the Court" was not necessary, because it appeared to him that if there were any abuse of the clause, the landlord would have the power to bring the tenant before the Court to answer for it.

MR. CALLAN said, there was no necessity to hurry the clause through, for it would not advance the progress of the Bill to pass the words and raise the discussion at the next stage. If the words were struck out, a restriction would be removed that would prevent many tenants from erecting cottages.

It being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow*.

REMOVAL TERMS (SCOTLAND) BILL.  
[BILL 8.]

(*Mr. James Stewart, Dr. Cameron, Mr. Patrick, Mr. Mackintosh.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [8th July], "That

Mr. Speaker do now leave the Chair" (for Committee on the Removal Terms (Scotland) Bill).

Question again proposed.

Debate resumed.

Question put, and agreed to.

Bill considered in Committee.

Committee report Progress; to sit again To-morrow.

#### POTATO CROP COMMITTEE.

*Resolved*, That, in the opinion of this House, it is expedient that Her Majesty's Government should take steps to carry into effect such of the recommendations of the Potato Crop Committee of 1880 as relate to Ireland, by facilitating the progress of further experiments as to the best means of lessening the spread of the Potato Disease, and promoting the creation and establishment of new varieties of the Potato.—(Mr. William Edward Forster.)

House adjourned at ten minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 21st July, 1881.

MINUTES.] — PUBLIC BILLS — Committee — Report—Universities (Scotland) Registration of Parliamentary Voters, &c. \* (130).  
Report—Supreme Court of Judicature (171).  
Third Reading—Wild Birds Protection Act, 1880, Amendment \* (166); Burial Grounds (Scotland) Act (1855) Amendment \* (131), and passed.

### SUPREME COURT OF JUDICATURE BILL.—(No. 147.)

(The Lord Chancellor.)

#### REPORT.

Amendments reported (according to order).

Clause 21 (Patronage under 42 & 43 Vic. c. 78).

EARL CAIRNS said, this clause provided for certain patronage which up to this time had been exercised by the Lord Chief Justice of England, the Chief Justice of the Common Pleas, the Chief Baron of the Exchequer, and the Master

of the Rolls. Two of these offices were now extinct, and it became necessary that some provision should be made for the exercise of the patronage. Originally the Bill provided that it should be exercised alternately by the Lord Chancellor, the Lord Chief Justice of England, and the Master of the Rolls. The noble and learned Lord on the Woolsack had since proposed to strike out of that triumvirate the name of the Lord Chancellor, in order to substitute that of the senior Puisne Judge of the Queen's Bench Division. He would now ask their Lordships to restore the clause to its original form. He did not think his noble and learned Friend's reasons for the change he had introduced were sufficient. If the patronage were placed in the hands of the Lord Chancellor, the Lord Chancellor would exercise his responsibility directly. If it were placed with the Chief Justice of England and the Master of the Rolls, the former was the head of a great Division of the Court, and the latter was, for the future, to be the President of the Court of Appeal, and with both of these offices there would be a proper degree of responsibility. All who held these offices would exercise the patronage, not as individuals, but as Heads and Presidents of important Courts. But if the person who happened to be the senior Puisne Judge, for the time being, of the Queen's Bench Division were made one of the three Judges who were to exercise patronage, he was not responsible to Parliament, and had not the responsibility which attached to the Presidents of the Court, and there was thus a great danger of the idea growing up that the patronage was the private patronage of the person who happened to be the senior Puisne Judge of the Queen's Bench Division for the time being. He ventured to say also that the proposal was an altogether novel one. He therefore moved that the words "the Lord Chancellor" be inserted before "the Lord Chief Justice of England."

*Moved*, in page 7, line 11, before ("the Lord Chief Justice of England"), to insert the words ("the Lord Chancellor"); in line 11, after ("England"), insert ("and"); and in line 12, after ("Rolls"), leave out ("and the senior Puisne Judge for the time being of the Queen's Bench Division of the High Court of Justice"). —(The Earl Cairns.)

THE LORD CHANCELLOR said, that the subject of this clause had given



him a great deal of embarrassment, and he had found it difficult to settle it in a thoroughly satisfactory manner. His view was that as the Lord Chancellor had not hitherto had any of this patronage, and as it formerly belonged to the chiefs of the two extinct Offices, the balance should be maintained as far as possible between the two Divisions of the Courts, and therefore he inserted the "senior Puisne Judge" of the Queen's Bench Division. He did not wish to add to the duties of the Office which he held, and the exercise of patronage was not always the easiest or most agreeable task. There would be 18 masters and about 80 clerks chiefly occupied in the Queen's Bench Division, and it was not necessary that the Lord Chancellor should have any share in their appointment. He himself would prefer that the clause should remain as it was. He did not deny that it was somewhat anomalous to take a Puisne Judge by seniority, but they might be sure that the duty would be exercised with a sufficient sense of responsibility. He must, however, leave it to their Lordships to decide what particular course they would adopt. He was anxious to maintain, as far as he could, the balance of patronage between the two Divisions of the High Court of Judicature.

LORD DENMAN said, he wished to point out that, certain Offices having been abolished, the Lord Chancellor, if the Amendment were carried, would be able to exercise considerably more patronage than he had hitherto possessed. He (Lord Denman) objected to the Amendment of the noble and learned Earl on that ground.

On question? Their Lordships divided:—Contents 41; Not-Contents 36: Majority 5.

## CONTENTS.

Northumberland, D.	Manvers, E.
Richmond, D.	Nelson, E.
Somerset, D.	Onslow, E.
	Redesdale, E.
Amherst, E.	Sondes, E.
Bandon, E.	Stanhope, E.
Bathurst, E.	Wharnccliffe, E.
Beauchamp, E.	
Bradford, E.	Clancarty, V. ( <i>E. Clancarty</i> .)
Cairns, E.	Hawarden, V. [ <i>Teller</i> .]
Carnarvon, E.	Melville, V.
De La Warr, E.	
Denbigh, E.	
Lathom, E. [ <i>Teller</i> .]	Balfour of Burleigh,
Leven and Melville, E.	L.

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Clonbrook, L.	Norton, L.
Colchester, L.	Penrhyn, L.
Colville of Culross, L.	Raglan, L.
Ellenborough, L.	Shute, L. ( <i>V. Barrington</i> .)
Foxford, L. ( <i>E. Lime- rick</i> .)	Stanley of Alderley, L.
Howard de Walden, L.	Strathspey, L. ( <i>E. Sea- field</i> .)
Kenlis, L. ( <i>M. Head- fort</i> .)	Walsingham, L.
Leconfield, L.	Watson, L.

## NOT-CONTENTS.

Selborne, L. ( <i>L. Chan- cellor</i> .)	Carysfort, L. ( <i>E. Carys- fort</i> .)
Camperdown, E.	Churchill, L.
Dartrey, E.	Clifford of Chudleigh, L.
Derby, E.	Denman, L.
Innes, E. ( <i>D. Rox- burghs</i> .)	Kenmare, L. ( <i>E. Ken- mare</i> .)
Minto, E.	Kenry, L. ( <i>E. Dunraeen and Mount-Bark</i> .)
Morley, E.	Monson, L. [ <i>Teller</i> .]
Northbrook, E.	Mostyn, L.
Spencer, E.	O'Hagan, L.
Sydney, E.	Ramsay, L. ( <i>E. Dal- housie</i> .)
Eversley, V.	Ribblesdale, L.
Powerscourt, V.	Rosebery, L. ( <i>E. Rose- bery</i> .)
Aberdare, L.	Strafford, L. ( <i>V. En- field</i> .)
Boyle, L. ( <i>E. Cork and Orerry</i> .) [ <i>Teller</i> .]	Stratheden and Camp- bell, L.
Brabourne, L.	Sudeley, L.
Breadalbane, L. ( <i>E. Bradaalbane</i> .)	Waveney, L.
Calthorpe, L.	Wrottesley, L.
Carlingford, L.	
Carrington, L.	

*Resolved in the affirmative.*

Further Amendments made; and Bill<sup>1</sup> to be read 3<sup>a</sup> To-morrow.

House adjourned at a quarter before Six o'clock, till to-morrow, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Thursday, 21st July, 1881.*

MINUTES.]—PUBLIC BILLS—Ordered—First Reading—Drainage (Ireland) Provisional Order \* [220].

First Reading—Alsager Chapel (Marriages) \* [221]; Petroleum (Hawking) \* [222].

Second Reading—Public Works Loans \* [211]; Seed Supply and other Acts (Ireland) Amendment \* [217]; Statute Law Revision and Civil Procedure [219]; Summary Procedure (Scotland) Amendment \* [216].

Committee—Land Law (Ireland) [136]—R.P.; Removal Terms (Scotland) [8]—R.P.

*Committee — Report — Public Loans (Ireland) Remission* [212]; *Incumbents of Benefices Loans Extension* • [213].

*Committee — Report — Third Reading — Customs (Officers)* • [210], and *passed*.

*Withdrawn — Charitable Trusts* • [209].

## QUESTIONS.

—o—o—o—

PARLIAMENT—ORDER—DEBATE—UN-PARLIAMENTARY LANGUAGE—ENGLAND AND SERVIA.

LORD RANDOLPH CHURCHILL: I beg to give Notice that to-morrow I shall ask the Under Secretary of State for Foreign Affairs, Whether by the Treaty between Austria and Servia the following articles are not exempted from all duties on importation into Servia — namely, machinery of any kind, agricultural implements, all railway materials and rolling stock, and coals; and whether by the most favoured nation clause of the Treaty between this country and Servia of 1880, goods of these denominations would not be equally exempt from duty on importation to Servia; and why Her Majesty's Government have absolutely sacrificed all the advantage which British trade and industry might reasonably be expected to derive from these privileges at a moment when enterprises for national development are on foot in Servia?

SIR CHARLES W. DILKE: Sir, I think I had better answer that Question at once, because an entirely false impression might go abroad in consequence of the Notice of the noble Lord—

LORD RANDOLPH CHURCHILL: I rise to Order. I beg to give Notice that if the hon. Baronet thinks it necessary to answer my Question now I will raise the whole question at once on a Motion for the Adjournment of the House.

SIR CHARLES W. DILKE: Under these circumstances I will not take the responsibility of answering the Question now. I will only say that the noble Lord's Notice contains a statement distinctly opposed to the fact.

SIR H. DRUMMOND WOLFF: I move that the hon. Baronet's words be taken down. He has said that my noble Friend has stated that which is opposed to the fact. That is an imputation on my noble Friend's veracity, and the hon. Baronet is bound to explain himself, or his words should be taken down.

MR. CHILDERS: I have been for many years in this House, and I have

heard these words used over and over again, and they have not been considered to be un-Parliamentary. My hon. Friend's words ought not to be taken down.

MR. SPEAKER: The hon. Baronet the Under Secretary of State for Foreign Affairs has declared on his own responsibility that the statement made by the noble Lord is opposed to the fact. I am not at all prepared to say that those words are un-Parliamentary.

LORD RANDOLPH CHURCHILL: I rise to Order. I made no statement. I only gave Notice that I should ask whether certain information derived from Government Papers laid before Parliament was correct or not. I object utterly to a question of so much importance being answered off-hand, and to the matter being treated as if it were of no importance whatever.

## THE PARKS (METROPOLIS)—HYDE PARK.

MR. REPTON asked the First Commissioner of Works, If the same rules are in force as to watering Rotten Row and the carriage road leading to the Barracks in Hyde Park as existed in the time of the late lamented Mr. Adam?

MR. SHAW LEFEVRE: Sir, no change whatever has been made in the arrangements for watering the Parks. The watering is provided for by contract, and the contractor is bound to keep the roads duly watered, so as to prevent dust. The contract has been taken for several years in succession by the same contractor, who has generally given satisfaction. I have had occasion, however, to call his attention to complaints which have recently been made. His answer is, that he has experienced great difficulties at times on account of the want of pressure in the water supply, which caused great delay in filling his carts. On Monday last the supply wholly failed, owing to the bursting of the mains. These difficulties are, I believe, removed, and there will, I hope, be no cause for complaint in the future.

## PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. H. O'MAHONY, A PRISONER UNDER THE ACT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that on the 5th instant Mr. Henry O'Mahony, F.L.G.,

confined under the Coercion Act in Limerick Gaol, was served with a writ out of the Superior Courts; whether the writ is for one year's rent (£30) up to the 1st of May; whether as the Superior Courts do not stay execution, Mr. O'Mahony is practically allowed no opportunity of defence; whether the writ was issued on 29th June, and not served until 5th July; whether the writ is served at the instance of the Hon. Judge Townshend, of the Admiralty Court, Ireland; whether the costs on the writ amount to over £8; whether, if the writ were issued out of the local courts, costs would not be more than £2, and time might be allowed; and, whether Mr. O'Mahony will be afforded facilities to defend the action?

MR. W. E. FORSTER, in reply, said, that the writ out of the Superior Courts was served on Mr O'Mahony on the 4th instant, for one year's rent due on the 1st of May. Mr. O'Mahony would be afforded facilities to defend the action, and if it would be more convenient to him, he would be brought up to Kilmainham. The writ was issued on the 29th of June, and served on the 4th of July. There was nothing unusual in that. Judge Townshend was the plaintiff. With regard to the costs, they were fixed by law, and he had no power to interfere.

#### PUBLIC HOUSES (IRELAND) ACT— PUBLICANS' LICENCES.

MR. HEALY asked Mr. Attorney General for Ireland, Whether the magistrates' certificate required by a publican on the annual renewal of his licence is a certificate to his "good character," and to the peaceable and orderly manner in which his house has been conducted, pursuant to s. 11, c. 89, of 17 and 18 Vic.; whether the magistrates are bound to grant such certificate unless evidence is offered to them on oath, proving that the applicant is not of good character, or that his house has not been conducted in a peaceable and orderly manner; whether there is any Law declaring a publican not to be of good character, and not conducting his house in a peaceable and orderly manner, if he refuses to hire cars to policemen; and, whether there is any Law compelling the hiring of cars to police by publicans who happen, independent of their public house business, to keep livery stables?

*Mr. Healy*

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): Yes, Sir. The magistrates' certificate required is as stated in the Question. The magistrates are bound to grant such certificate, unless they are satisfied by evidence on oath that the applicant is not of good character, or that his house has not been conducted in a peaceable and orderly manner. There is no statutory definition of the "good character" of a publican, or of what is meant by "his conducting his house in a peaceable and orderly manner." There is no law compelling publicans who keep cars for public hire to hire them to the constabulary; but if it appears that their refusal to do so is part of a concerted system for obstructing the due execution of the law, the magistrates may well regard such action as inconsistent with their claim to be of "good character," and refuse their certificates accordingly. I may add that the constabulary have been directed, in accordance with this view, to oppose the granting of certificates to such publicans.

MR. HEALY asked, whether the business of a car-keeper was not inconsistent with that of the keeper of a public-house?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he did not see that the keeping of cars for hire was in any way inconsistent with keeping a public-house. Publicans kept cars for the convenience of *bond fide* travellers, and, no doubt, one inducement to keeping them was that the people who hired them took refreshment.

MR. PARNELL asked, whether the right hon. and learned Gentleman would explain what connection there was between selling whisky over a counter and driving constables to an eviction?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW), in reply, said, that a man could have only one character, and if it was bad as a livery stable-keeper it could not be good as a publican.

#### INDIA—CULTIVATION OF OPIUM.

MR. CROPPER asked the Secretary of State for India, Whether the Government of India has issued or sanctioned the issue of orders having for their object the increase of the area of poppy cultivation in Bengal; whether the Go-

vernment of India has issued orders for the introduction of the cultivation of the poppy, under the system of licences and advances, into the North West Provinces; and, whether he will lay upon the Table a Return of the areas cultivated, and quantities of Opium produced, in all the agencies during the last ten years; also a Copy of the "Resolution on the Report of the Board of Revenue on the Administration of the Opium Department for the year 1879-80," dated "Calcutta, 4th April 1881;" and Copies of any other Resolutions of the Government of India which have for their object the increased production of Opium?

THE MARQUESS OF HARTINGTON: Sir, in consequence of the partial failure of crops for three consecutive years, and of a reduction of the reserve stock of opium, the Government of India, in a Resolution of the 2nd of May, 1879, desired that the agents in Behar and Benares should be encouraged to extend their engagements with cultivators. Thereupon, the Benares agent endeavoured to re-introduce poppy cultivation into certain pergunnahs of the Allahabad and Mirzapore districts of the North-Western Provinces, which are favourably situated for the purpose, and where the poppy used to be grown; but these efforts were not attended with much success. No orders were issued by the Government of India for the introduction of the cultivation of the poppy under the system of licences and advances into the North-Western Provinces, that system having existed there for many years, several of the sub-divisions of the Benares agency being situated in territory under the Lieutenant Governor of those Provinces. A statement can be given of the areas cultivated and the quantities of opium produced in the Government opium agencies of Behar and Benares for the 10 years ending with 1878-9, together with a copy of the Resolution of the Government of India above referred to. The Resolution on the Report of the Board of Revenue on the administration of the Opium Department for the year 1879-80 has not yet been received.

TREATY OF BERLIN—ARTICLE 61—  
ARMENIA.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, If

Her Majesty's Government, in conjunction with the other European Powers, and in order to give full effect to the Sixty-first Article of the Treaty of Berlin, intend to propose to the Sublime Porte that a form of Administration should be granted to Armenia similar to that which was adopted twenty years ago, and has worked so well in the case of the Lebanon?

SIR CHARLES W. DILKE: Sir, I cannot make any detailed statement as to the nature of the reforms in Armenia which will be proposed to the Porte, until the matter has been further discussed by the Representatives of the Powers at Constantinople.

PACIFIC ISLANDERS PROTECTION ACT,  
1872—JURISDICTION OF SIR ARTHUR GORDON.

MR. GORST asked the Secretary to the Admiralty, Whether the jurisdiction of Sir Arthur Gordon as High Commissioner under "The Pacific Islanders Protection Act, 1875," is not by that Act restricted to a jurisdiction over subjects of Her Majesty; and, whether Sir Arthur Gordon has any authority, as Governor of New Zealand or otherwise, to levy war against the natives of the Solomon Islands, who are 2,000 miles distant from New Zealand; and, if so, under what statute, or by what Commission, such authority is constituted?

MR. TREVELYAN: Sir, the jurisdiction of the High Commissioner extends over British subjects, and British subjects only. In reply to the hon. Member on Monday, I stated that Sir Arthur Gordon had authority to sanction the sending of the *Emerald*. The circumstances under which that sanction was asked for are these. Up till 1880, on the Australian station, and on the Australian station alone, it had been the custom for naval officers to resort to force for the protection of British subjects, without any requisition from any diplomatic or any other civil authority. As almost the last act of their administration, the late Board of Admiralty determined that, in cases where immediate and instantaneous action was not required, the sanction of the High Commissioner would have to be obtained before armed force was used, in order that the naval officer might act in conjunction with the civil authority in the Pacific as elsewhere. It must be re-

membered that all the world over, however strong may be the requisition of a Consul or other civil functionary, a naval officer must, and often does, use his own discretion, and is absolutely responsible to the Admiralty for the manner in which he uses it.

**ARMY (AUXILIARY FORCES)—ADJUTANTS OF MILITIA.**

**MR. THORNHILL** asked the Secretary of State for War, Whether, under the Royal Warrant of 1st July, 1881, it is intended that Adjutants of Militia, who were originally appointed for life, should be compulsorily retired at the age of forty-eight; and, if so, what compensation it is proposed to give to them?

**MR. CHILDERS:** No, Sir. There is no intention to retire compulsorily any Militia or Volunteer adjutant at 48. They will be so retired at 55, on an improved scale, the maximum after the 20 years' service as adjutant being 10s. a-day.

**LAW AND JUSTICE (IRELAND)—LISMORE AND CARRICK-ON-SHANNON QUARTER SESSIONS.**

**MR. TOTTENHAM** asked Mr. Attorney General for Ireland, Whether the Trinity Quarter Sessions for Lismore, in the county of Waterford, and Carrick on Shannon, in the county of Leitrim, were fixed for the same day, viz., Friday 1st July instant; whether the dates of Quarter Sessions are fixed by the County Court Judge; whether Mr. Waters, Q.C. is the County Court Judge of both these counties; whether it is possible that the same Judge should hold Courts in both places at the same day; whether it is a fact that the Sessions which were duly advertised to be opened at Carrick on Shannon at 10 a.m. on the 1st July were not opened till 1.30 p.m. on the following day; and, whether he will take steps to prevent in future the occurrence of similar inconvenience and expense alike to the county officials, bar, and general body of suitors.

**MR. A. M. SULLIVAN** wished to ask, before this Question was answered, if it was possible for a County Court Judge to be in two places at the same time?

**THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON):** Sir,

*Mr. Trevelyan*

in answer to the first three Questions, the times for holding Quarter Sessions are fixed yearly in November, and last November the then Leitrim County Court Judge fixed his Carrick-on-Shannon Sessions for the 1st of July, and the Waterford County Court Judge fixed his Lismore Sessions for the same day. Subsequently the Leitrim Judge died, and the Waterford Judge was appointed in his place, and, for the reasons I mentioned on Monday last, was also appointed temporary Chairman of Waterford. In answer to the fourth Question, it is, of course, a fact that the same person cannot be in two different places at the same time. In answer to the fifth and sixth Questions, the Carrick-on-Shannon Sessions were adjourned, pursuant to statute, from 1 p.m. on July 1 to 10 a.m. on July 2, and then opened by the Judge. The next time the sessions of these counties are fixed, of course, care will be taken that they do not clash. In reply to the Question put by the hon. Member for Dungarvan (Mr. O'Donnell) last Monday, I have to add that it was to the sessions at Carrick-on-Shannon the County Court Judge proceeded from Lismore on July 1.

**WATER SUPPLY (METROPOLIS).**

**MR. ARTHUR ARNOLD** (for Mr. D. GRANT) asked the President of the Local Government Board, Whether his attention has been directed to the failure of the high-service water supply of the Grand Junction Company; and, if so, whether he purposes taking any steps in the matter?

**MR. DODSON:** Sir, my attention has been directed to this subject, not only in my official capacity, but as a private victim. As already explained in "another place," Colonel Bolton, the Water Examiner under the Metropolis Water Acts, was requested on Monday last to ascertain the cause of some individual complaints that had reached the Board, and I was informed by him that the failure referred to was attributable to the excessive demand for road watering and private use for gardens, &c. Moreover, this was aggravated by the bursting of a main, which was repaired with the least possible delay. I have since requested Colonel Bolton to make a more complete inquiry into the arrangements of the Company for meeting the demands upon them; but I have not

yet got his Report. In order to prevent misapprehension, it should be stated that the Local Government Board have no power to deal with mere individual cases of complaint, in which application can be made to a magistrate. It is only when they receive a Memorial from not less than 20 inhabitant householders of a defective supply that they can take any effective remedial action, and even then they must appoint a person to hold a special inquiry before they can give a notice to the Company to remedy the defect. This will render the Company liable to the penalty of £200, and the subsequently accruing penalty of £100 a month in case of continued default.

#### NEWFOUNDLAND FISHERIES — THE ANGLO-FRENCH COMMISSION.

CAPTAIN PRICE asked the Under Secretary of State for Foreign Affairs, Whether there are any Reports or Papers from the Joint (Anglo-French) Commission which sat in 1876 upon the Newfoundland question which can be laid upon the Table of the House; whether it is now open to the Governor of Newfoundland to issue grants of land to British subjects on the west coast of that island; and, is there any prohibition to the working of mines on that coast by British subjects?

SIR CHARLES W. DILKE: Sir, Captain—now Admiral—Miller was appointed in November, 1874, to meet Captain de Boissoudy, of the French Navy, to discuss informally the questions connected with the Newfoundland fisheries, on which differences of opinion existed between the two Governments. Their meetings were held in Paris from time to time, but did not result in any arrangement being come to. These gentlemen were not constituted a Joint Commission with powers to settle any of the points in question, but reported confidentially each to his own Government, from whom they received instructions from time to time. There are, consequently, no Reports or Papers which could be presented. In 1866 the Earl of Carnarvon, in the hope of an early settlement of the questions at issue with regard to the French fishery rights, instructed the Governor of Newfoundland “for the present not to make any grants of land” on that part of the coast where those rights exist; and this instruction has been maintained in force

up to the present time, with the same object of postponing any fresh action during the negotiations, which have been again and again renewed.

#### MERCHANT SHIPPING ACT—CASE OF WILLIAM LYNCH.

MR. A. M. SULLIVAN asked the Secretary of State for the Home Department, If he has further considered the Memorial presented to him in the case of William Lynch, imprisoned at Cardiff for an offence against the Shipping Act?

SIR WILLIAM HARCOURT, in reply, said, that he had caused inquiries to be made in this case some time ago, and it being found that Lynch was unable to pay the heavy fine imposed upon him, the sentence was altered, with the consent of the Judge, to imprisonment for six months.

#### METROPOLITAN POLICE—CASE OF MR. EDWARD SHIEL.

MR. A. M. SULLIVAN asked the Secretary of State for the Home Department, If no further step will be taken in the case of the two police inspectors and the police constable complained of by Mr. Edward Shiel, of Thurloe Square, beyond the reprimand announced by him on the 5th instant?

SIR WILLIAM HARCOURT, in reply, said, that after the very full inquiry which had been made by the Chief Commissioner into the case, he saw no reason to take any further steps in the matter.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRISONS.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether a secret circular has been issued to the officials in all prisons in which suspects are confined; whether it instructs the warders to pay particular attention to what the suspects say in conversation with each other during the two hours of association, when warders are in constant attendance, listening to what is said; whether the warders are instructed to write down in the evening the impression they may have received, and report to the Governor; and, whether he was aware of the issue of the circular, and approves of it?

MR. W. E. FORSTER: Sir, no such communications have been made to the

prison officials in Ireland, either by Circular or otherwise.

**ARMY—ROYAL HIBERNIAN MILITARY SCHOOL, DUBLIN.**

MR. W. J. CORBET asked the Secretary of State for War, Whether he can now inform the House of the result of the inquiry ordered by Sir Thomas Steele, K.C.B., Commander of the Forces in Ireland, into the conduct and management of the Royal Hibernian Military School, and more particularly with reference to the undue severities alleged to have been inflicted on the boys since the appointment of the present Commandant; whether it is proposed to make any changes in the staff of the institution; and, whether he will lay the Papers relating to the inquiry upon the Table of the House?

MR. CHILDERS: Yes, Sir; I have now received and considered the Report of the Governors of the Royal Hibernian School upon the result of the inquiry by the committee appointed by Sir Thomas Steele into the discipline of the school. The Governors adopt the Report of the committee, which strongly deprecated the great severity of the punishments in the school; but they, at the same time, say that the school has so materially improved in many respects under the care and in consequence of the exertions of Colonel Cotton that, while they have altered the system of punishments, notably abolishing cells and bread and water, they express their unanimous opinion, shared by the members of the original committee, that it would not be in the interests of the institution to remove Colonel Cotton. I have, therefore, though I confess with some hesitation, sanctioned the continuance of Colonel Cotton's employment as commandant for the present. The adjutant is on the point of retiring, and a fresh appointment will be made shortly. I do not see any occasion to lay the Reports before Parliament; that of the committee is of great length.

**LANDLORD AND TENANT (IRELAND) ACT, 1870—THE BESSBOROUGH COMMISSION.**

SIR WILLIAM PALLISER asked the honourable Member for the County of Cork, Whether any entry exists upon the Minutes of the Proceedings of the

Bessborough Commission to show that the rebutting statements made in writing by the Irish landlords, and contained in Appendix (C), had been officially considered by the Commissioners at any of their sittings prior to the 4th of January, when the Report of the Commissioners was signed; and, whether the statement made in Clause 4 of the Report on the 4th January, that—

"The communications received from those who were unable or did not desire to attend are also printed in their proper place (C),"

was correct at the time it was made?

MR. SHAW: Sir, I am afraid it is not possible for me to gratify entirely the curiosity of the hon. Baronet. The Minutes of the proceedings of the Bessborough Commission are not in my possession; but I presume they are in the possession of the Chairman or Secretary of the Commission. I have not the slightest doubt that if the hon. Baronet writes to either of these gentlemen he will get the information he wants, if it is for any legitimate purpose. As to the second Question, whether the statements made in Clause 4 of the Report of the 4th January were printed at the time of the second Report, I do not suppose they were printed at that time. The general rule is that the first volume of a Report is printed before the second or third, and that happened in this case.

SIR WILLIAM PALLISER asked the honourable Member for the County of Cork, Whether the Report of Lord Bessborough's Commission was altered after the 4th of January last, the date on which it was signed, in consequence of the study by the Commission of the rebutting evidence subsequent to that date; and, if so, what alterations were introduced; and, whether he will supply the dates of the "Statements in reply to or in explanation of evidence," as well as the dates at which those statements were received back from the printers?

MR. SHAW: Sir, the Report was not altered in any very substantial particular after the date referred to by the hon. Member; and I may say also that if the Commissioners met now, after six months' study of the evidence, I am certain it would not be altered. The Report of the Commissioners, I believe, was fully justified on evidence of an independent character, quite independent of any subsequent evidence. Some gentlemen think, when they say the evi-

*Mr. W. E. Forster*

dence was rebutted, that that is quite enough; but I have had an immense number of cases brought under my notice where the rebutting evidence was completely rebutted, and therefore the original evidence was not materially affected by anything said afterwards. As to the last Question, whether I can supply the dates of the statements in reply to or in explanation of the evidence, I am informed that these statements were sent in letters without any dates whatever, and they were sent to the printer and very likely destroyed.

#### CYPRUS—PEST OF LOCUSTS.

MR. A. M'ARTHUR asked the Under Secretary of State for the Colonies, Whether he is aware that the locusts have already inflicted great injury in Cyprus; what steps the Local Government is taking to deal with the pest; and, whether there is reason to believe that the measures adopted are calculated to accomplish their object?

SIR CHARLES W. DILKE, in reply, said, that he might answer the first and third portions of the Question in the affirmative. In reply to the second portion of the Question, the steps that were being taken were being adopted, not so much to mitigate as to entirely extirpate the pest. Papers on the subject would be laid before the House.

#### REVOLUTIONARY CONGRESS IN LONDON.

MR. BORLASE asked the Secretary of State for the Home Department, Whether his attention has been called to the statement in this morning's papers that a Revolutionary Congress has been sitting in London; that a public meeting promoted by delegates thereof was held on the night of the 18th in the Cleveland Hall, Cleveland Street, Fitzroy Square, where all nationalities were represented; that government and capital in every form were emphatically denounced; and, whether, if so, it is his intention to take any measures to suppress for the future, proceedings so clearly subversive of all Law and order? He added that he should also be glad to know whether it was a fact that at this same meeting the assassination of the Russian Governor General was openly advocated by a person who was said to be a Russian subject?

MR. BELLINGHAM said, he would ask, if he might do so without Notice, Whether the conference was not one the holding of which on Swiss territory was prohibited by the Swiss Republic; and whether the gentleman who took the chair was not an active supporter of Her Majesty's Government at the late election?

SIR WILLIAM HARCOURT: Sir, I am not aware of the name of the gentleman who took the chair at this meeting, and I must ask for Notice of the Question, as also of the new Question put to me by my hon. Friend the Member for East Cornwall (Mr. Borlase). I put it to hon. Members whether, on a matter of such importance as this, I should be called on to answer Questions without Notice. Anything about an assassination of the Russian Governor General I have never heard of. With regard to the other Questions of my hon. Friend, upon considering a Report that has been made to me upon this subject, I do not find anything which would authorize or justify any action on the part of the Government.

#### POST OFFICE (TELEGRAPH DEPARTMENT)—SUBMARINE CABLES.

MR. LAING asked the Financial Secretary to the Treasury, Whether, in view of the great inconvenience to important districts and interests, which has resulted from delays in repairing Submarine Cables forming parts of the Postal Telegraphic system, the Treasury will authorise the acquisition by the Post Office of a suitable repairing steamer to be kept constantly available for restoring any communications which may be interrupted?

LORD FREDERICK CAVENDISH: Sir, I cannot deny that very considerable inconvenience has been caused this year owing to two submarine cables having required repair at a time when no vessel adapted for the purpose was available. The purchase of a cable ship would entail a heavy charge upon the Estimates, and, looking to the large sums provided in this year's Estimates for the Postal Telegraph service for new works and renewals, the Treasury did not feel justified in asking Parliament to make such provision in the present financial year. The question will, however, be carefully considered when the Estimates for 1882-3 are being prepared.



## ARMY—VETERINARY SURGEONS.

MAJOR O'BEIRNE asked the Secretary of State for War, Whether the War Office authorities, when they decided to make no alteration in the Veterinary Warrant of 1878 in favour of those Veterinary Surgeons who entered the Service under the conditions of the Warrant of 1859, had considered the fact that these officers, under the Warrant of 1859, were eligible for promotion to rank of Captain after five years' service, but are now only eligible after twelve years' service, whilst Riding Masters and Quartermasters are promoted to that rank after ten years' service; if he will explain why these Veterinary Surgeons should not be placed on an equality as regards relative rank with Riding Masters and Quartermasters, and why they should be left in a far worse position than that occupied by any other class of Commissioned Officers in the Service; and, whether he will consider the grievance of Officers who were induced to enter and remain in the Service under the conditions of the Warrant of 1859, and find their position and prospects altered to their disadvantage by the terms of the Warrant of 1878?

MR. CHILDERS: In reply to my hon. and gallant Friend's first Question, I have to point out to him that there is a great difference between being eligible for and being entitled to a particular rank. It is true that the Warrant of 1859 made veterinary surgeons eligible for the rank of captain after five years' service; but, as a matter of fact, vacancies were not taking place in 1878 which admitted of promotion within double that time, and, before long, no veterinary surgeon would probably have become a captain under 17 years' service. The Warrant of 1878 gave them rank absolutely after 12 years' service. The whole arrangements about veterinary surgeons have been so recently settled by my Predecessor that I have been reluctant to re-open the question this year; but I will look into it during the autumn, especially with reference to relative rank.

ARMY ORGANIZATION—COMPULSORY  
RETIREMENT—HALF-PAY  
COLONELS.

CAPTAIN AYLMER asked the Secretary of State for War, Whether those

Colonels on half-pay, who have completed fifty-eight years of age, and who by his first memorandum he proposed compulsorily to retire on the 1st of July 1881, on a pension of £420 a-year, but whose age for such compulsory retirement has been extended to fifty-nine years of age, by the recent Royal Warrant, may retire from the 1st July 1881, with the compensations offered to the latter when compulsorily retired at the age of fifty-nine; and, whether it is proposed to keep these Colonels on half-pay till they attain the age of fifty-nine, thereby depriving them of about £198 for that year, which sum they could have obtained under the Warrant of 1877 by voluntary retirement; and, moreover, of the following compensation for that year, viz. the equivalent for the net loss by being debarred from age from succeeding to the establishment of General Officers, and the actuarial calculation of value of the chance of a Regiment?

MR. CHILDERS: Sir, in reply to the hon. and gallant Gentleman, I have to say that any colonel entitled under the Warrant of 1878 to retire on his pension of £420 a-year can so retire now. The addition granted by the Warrant of the 25th of June last is only given in cases of compulsory retirement. A colonel now on half-pay must elect between the two courses.

INDIA—CHAPLAINS IN THE BENGAL  
ESTABLISHMENT.

MR. BAXTER asked the Secretary of State for India, with reference to his view that the Government of India do not appear to have paid sufficient attention to their promise to revise ecclesiastical expenditure, If it is true that no fewer than eleven chaplains have been appointed on the Bengal Establishment alone in the one year of 1880, being as many as were appointed by the late Government in the four years, 1875 to 1878 inclusive, and greatly in excess of the average of many years?

THE MARQUESS OF HARTINGTON: Sir, in 1880, nine Bengal Church of England chaplains were appointed, as against six in 1879. From 1875 to 1878 inclusive, 15 such chaplains were appointed, making for those four years an average of nearly four per annum. In order to obtain an average of many years, it is proposed to give the number

of chaplains appointed since the last revision of the Establishment in 1859, when the existing number was fixed at 90. From 1860 to 1880 inclusive, 107 chaplains were appointed. The average of these 21 years is more than five per annum. No new chaplain is appointed except when a vacancy occurs. The Government of India, in reply to my inquiries, recently forwarded a Report from the Bishop of Calcutta, in which they stated they generally concurred, to the effect that the number of chaplains was not in excess considering the duties to be performed. I have addressed a despatch to the Government of India, requesting them to state specifically their own opinion whether the number of chaplains goes beyond the obligations of the Government reasonably understood. The Scotch chaplains are not included in the above figures, as it is believed that the inquiries of my right hon. Friend (Mr. Baxter) were not intended to embrace such chaplains. I may, however, state that on the Bengal Establishment there are five Scotch chaplains.

#### INDIA—FIELD OFFICERS IN NATIVE REGIMENTS.

SIR TREVOR LAWRENCE asked the Secretary of State for India, Whether his attention has been called to the fact that, in the native regiments of the three Presidencies, there are 625 field officers to 560 captains and subalterns, several regiments having but one captain and subaltern a-piece; whether the establishment for native regiments is not two field officers only to five captains and subalterns; and, whether so disproportionate a number of field officers, many of whom are no longer young, and are simply waiting for off reckonings, does not impair the efficiency of the native regiments and add considerably to the costs of the commissioned ranks? He wished further to ask when the revised rules relating to pensions and retirement in the Indian Service would be promulgated?

THE MARQUESS OF HARTINGTON: Sir, the revised rules have been settled; they are now being put into formal shape, and I trust they will be published in a short time. With regard to the assumed proportion of field officers to captains and subalterns in the performance

of regimental duty, I can only refer to the reply I gave on the 20th of June, to the effect that the latest Return in the Office shows that of the 1,058 officers of the Staff Corps and Indian Services in the three Presidencies holding regimental commands, 430 are field officers and 628 are captains. A reference to the latest "Bengal Army List" shows that throughout that Army and the regiments under the Government of India—105 in all—there are only 21 substantive field officers holding positions which should be held by captains or subalterns, and of these only three are in the actual performance of such duties, the rest being either on leave or acting in higher regimental positions, or on the Staff. It does not appear that one of these regiments is reduced to one captain and one subaltern. The disproportion, where it exists, is in the Armies of Madras and Bombay, aggregating 81 corps. It is purely temporary, and will be greatly alleviated, if not altogether removed, by the measures with regard to pensions and other matters which are now under consideration and will very shortly be announced. There is no establishment of the several Army grades for Native regiments. The duties to be performed by the European officers, who it is to be remembered are not troop and company officers, justify three field officers with each infantry and four with each cavalry regiment. The employment of the existing field officers with corps does not add to the cost of the Army, as the officers would equally draw their pay, whether in the performance of regimental duty or not.

#### FRANCE AND TUNIS (POLITICAL AFFAIRS).

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether, since July 4th, the date of Lord Lyons' last printed Despatch, any further communication has been received from the French Foreign Office as to "the means of establishing a more satisfactory organisation" in the affairs of Tunis which M. Barthelemy St. Hilaire then promised to consider?

SIR CHARLES W. DILKE: Sir, no further communication has yet been received from the French Foreign Office on the subject referred to.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—HEALTH OF MR. JAMES HIGGINS, A PRISONER UNDER THE ACT.

MR. T. D. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If the authorities in Dublin have received medical reports which testify that Mr. James Higgins, who is confined as a suspect in Kilmainham Gaol, is suffering from a dangerous disease of the heart; and, whether, under these circumstances, he will order the speedy release of Mr. Higgins?

MR. W. E. FORSTER, in reply, said, since Notice of the Question was given he had telegraphed for further information respecting Mr. Higgins's health. The medical officer of the prison stated that he was suffering from excited action of the heart; but the disease had not been caused or aggravated by confinement, and was not likely to prove dangerous. He would, however, make further inquiries.

MR. HEALY asked whether the threatening letter for which Mr. Higgins was supposed to be imprisoned was not a friendly letter advising a person in the locality to give up a farm he had taken, for the sake of the peace of the neighbourhood, and that the person addressed subsequently stated that he was in no way intimidated?

MR. W. E. FORSTER said, he must remind the hon. Member that he could not state the grounds on which the arrest had been made. Notice might be given of the Question; but he could give no other answer.

BULGARIA (POLITICAL AFFAIRS).

MR. J. COWEN asked the Under Secretary of State for Foreign Affairs, Whether any communication has been received from any Foreign Government asking Her Majesty's Government to join in a common declaration approving of the course recently pursued by Prince Alexander in Bulgaria; and, whether, if so, any and what reply has been made?

SIR CHARLES W. DILKE: No, Sir; no common declaration approving the course recently pursued by Prince Alexander in Bulgaria has been proposed. A proposal that the Powers should join in counselling union between the Prince and his people was made, but

not formally carried into effect, and the Papers about to be laid on the Table will contain the correspondence on the subject.

CHURCH OF ENGLAND—ECCLESIASTICAL GRANTS IN THE COLONIES.

MR. A. M'ARTHUR (for Mr. Alderman W. M'ARTHUR) asked the Under Secretary of State for the Colonies, Whether the Correspondence between the Colonial Office and the local authorities, relative to the Cessation of Ecclesiastical Grants is now complete, and can be produced; and, whether steps have been, or will be, taken to prevent the creation of new vested interests in connection with episcopal chaplains or other recipients of the grants?

SIR CHARLES W. DILKE: Sir, Papers are being printed, and will shortly be produced. Steps will be taken to prevent the creation of any fresh vested interests.

LANDLORD AND TENANT (IRELAND) ACT, 1870—THE BESSBOROUGH COMMISSION.

SIR WILLIAM PALLISER asked the First Lord of the Treasury, Whether he received the rebutting evidence of the Irish landlords contained in Appendix (C) of the Minutes of Evidence of the Bessborough Commission, before it was printed in the Blue Book on or about the 11th of March last?

MR. GLADSTONE: I cannot be responsible for the date mentioned by the hon. Member as the date of the printing of the Blue Book. I have made inquiry as to the time when the proof of the Evidence which was sent to me was received, and I find it was about the 10th or the 12th of March.

COMPANIES ACT, 1874—SCOTCH BANKS.

SIR STAFFORD NORTHCOTE asked the First Lord of the Treasury, Whether the Government have any information as to the correctness of a statement that certain of the Scotch Banks have resolved to re-register themselves under the provisions of "The Companies Act, 1874?"

MR. GLADSTONE: Sir, since the last Question was put to me on this subject I have received a letter from Mr. Mackenzie, who is the manager of the Commercial Bank of Scotland, the senior

among the associated banks, enclosing a minute of the meeting of the representatives of the seven banks. Perhaps I had better read the resolution that was come to at that meeting. It was this—

"After full conference it was unanimously agreed that the directors of the seven banks should recommend their managers to adopt the principle of limited liability, and that all necessary steps be taken by each bank for registering under the Companies Acts of 1872 and 1879 as a limited bank; and in order to perfect the necessary arrangements for effecting the said object, and that the whole of the banks may enter on business on the same day, or as near the same day as possible, the said banks remit to their managers and to the directors to consider all the necessary details, and, with the assistance of Mr. Brodie as general agent of the unlimited banks, who will communicate with the law agents of the representatives, to mature all the requisite arrangements and report."

#### ROYAL UNIVERSITY OF IRELAND— THE SCHEME OF THE SENATE.

MR. BERESFORD HOPE asked the First Lord of the Treasury, How much money would be required to satisfy in full the very large financial proposals involved in the scheme of the Senate of the Royal University of Ireland; how far the Government propose to modify these proposals; and, whether Parliament will have any, and (if so) what, opportunity of discussing the scheme?

MR. J. A. CAMPBELL asked the First Lord of the Treasury, Whether he intends to submit to Parliament during the present Session the scheme proposed by the Senate of the Royal University of Ireland; how far Her Majesty's Government intend to adopt the proposals in the scheme as to giving Exhibitions of from £15 to £100 each to the professional and other students (number unlimited) who shall pass the Honours Examinations, and as to founding twelve Scholarships of £50 per annum each, fourteen Junior Fellowships of £200 per annum each, and forty-eight Fellowships of £400 per annum each; and, whether, if Government are disposed to entertain these large proposals for the Royal University of Ireland, they will be prepared to institute similar prizes in the Universities of Scotland?

MR. GLADSTONE: Sir, I am afraid I cannot enter into details in reply to these Questions, for this reason. In a few days a Minister of the Crown will bring forward in the House of Lords a Bill dealing with this subject; and as

that will involve a statement of the intentions of the Government, I think it would be better not to anticipate the statement and discussion of it by answers to Questions.

#### SOUTH AFRICA—THE TRANSVAAL— THE CAPITULATION OF POTCHEFSTROOM.

SIR WILFRID LAWSON asked the First Lord of the Treasury, Whether the information which the Government had received, and which he communicated to the House on the 2nd of May, to the effect that—

"The capitulation of Potchefstroom was obtained by an act of treachery on the part of the commandant of the besieging force,"

has been confirmed, or otherwise, by more recent accounts from the Transvaal?

MR. GLADSTONE: Sir, the Question of my hon. Friend arises out of the circumstance that I said on a former day that the capitulation of Potchefstroom was obtained by an act of treachery on the part of the commandant of the besieging force. Since that time we have had an opportunity of receiving full details of the nature of that act. I do not know that it would be convenient, or attended with advantage, for me to enter upon those details. The real question is whether I adhere to that phrase. I admit that its accuracy is a matter of argument. We do not precisely know every particular of what occurred in such a way as to know exactly the consequences that were produced by certain acts; but undoubtedly this is true, that there was bad faith. It was stipulated in the arrangements that the conclusion of the armistice was to be made known to the English Commander by the Commander of the Dutch Force. He had that communicated to him, and yet, though this was a stipulation of the armistice, he did not communicate it to the English Commander. To what extent that acted on the mind of the Commander at Potchefstroom I cannot say; but, without expressing any opinion at present on the question of treachery, I may say that there was certainly very gross misconduct on his part. I have only to say, in addition, that the complete record of the facts, which is very minute and complicated, is quite at the service of the hon. Baronet who put the

Question, or of any other hon. Member who wishes to inquire into the circumstances.

SIR WILFRID LAWSON: Is it not known that the English Commander had a copy of the terms of the armistice the day before the capitulation?

MR. GLADSTONE: I do not think I can answer the Question precisely. He may have had a copy of the terms, but I do not think it likely.

SIR JOHN HAY: Will the Papers with reference to the siege of Potchefstroom be laid on the Table of the House?

MR. GLADSTONE: I will inquire whether the Papers are in such a form that they can be produced. But I would rather recommend the right hon. and gallant Gentleman to avail himself of the hint which I gave a little time ago, and inspect the Papers for himself. I may say that they have no bearing on the subject of the discussion of Monday next as to the Transvaal—I mean as regards the conduct of the Government or as regards the conduct of the Boer Leaders, because the conduct of the latter in respect of the matter is perfectly unimpeachable. The whole question is as to the conduct of the local Commandant.

SIR JOHN HAY: The reason why I ask for the Papers is because I have received letters from officers who were imprisoned at Potchefstroom; and I found myself upon those letters when I say that the conduct of the Dutch Commandant, who was a Boer Leader, was contrary to the laws of civilized warfare.

MR. GLADSTONE: So much I have already said, and desire to be responsible for. "Treachery" is, no doubt, a very hard word, and I do not call the individual referred to a Boer Leader. He was the local Commandant. By Boer Leaders we mean those with whom we communicated respecting all the new arrangements, and their conduct has been perfectly honourable and unimpeachable.

SIR STAFFORD NORTHCOTE: May we expect that any further communications will be laid on the Table before the debate fixed for Monday—a debate which has been put off for a considerable time on the ground of the proceedings at Potchefstroom?

MR. GLADSTONE: I do not think there are any communications more than

what may be found in the Papers already produced. I can explain in a moment the change which took place in our attitude with respect to the discussion referred to. It is this—that when a case occurred in which a British garrison had been compelled to surrender, owing to the non-fulfilment of a condition of the armistice by the local Commandant, we at once raised the whole question whether we could or could not rely upon a continuance of a specific state of things, or whether it might not be the losing of the whole of the ground we had made. Under that state of things, although no actual hostilities were going on, we could not feel secure until our arrangements were made and carried into effect. We did not know what might happen until we had re-occupied Potchefstroom. Our object was to place ourselves in the same position as when the armistice was concluded. We considered, of course, subject to the judgment of the House, that when that miscarriage—to use a very weak word, indeed—occurred in the fulfilment of the condition of the arrangement, there was so much uncertainly cast on the whole of the arrangement that the state of things was not such as to encourage the House to enter upon a discussion of political matters while military affairs were in that condition.

#### AFGHANISTAN—CIVIL WAR.

THE MARQUESS OF HARTINGTON said, the following Question had been put on the Paper by the hon. Member for Eye (Mr. Ashmead-Bartlett); but, as that hon. Member was not in his place, and he (the Marquess of Hartington) could probably not be present to-morrow, he might reply by anticipation. The Question was—

"To ask the Secretary of State for India, whether he can give the House any information as to the Civil War which has broken out in Afghanistan, and especially with regard to the statements that Ayoub Khan has crossed the Helmund?"

The reply he had to make was that the Government had already given to the Press for public information all the intelligence they had received on this subject. The latest telegrams from the Viceroy showed that Ayoub Khan was in the Bakwa, a small district more than 100 miles west of the Helmund. His force, consisting, it was said, of six regi-

*Mr. Gladstone.*

ments of Infantry, 13 guns, and about 1,500 Cavalry, was distributed between Farah and Washir. The Ameer's force, which consisted of five regiments of Infantry, two of Cavalry, 1,500 irregular horse, and 16 guns, was said to be at Kalah-i-Gaz, close on the other side of the Helmund. Besides this, it was reported that two regiments of Infantry and 12 guns left Candahar about the 16th of July *en route* to Girishk, and that further reinforcements were on their way from Cabul.

#### THE COMMISSION ON TECHNICAL EDUCATION.

MR. MACDONALD asked the First Lord of the Treasury, If it be correct, as stated in several journals, there has been or there is about to be a Commission appointed to inquire into and report on the spread of technical knowledge among those engaged in many of the most important industries in several of the European States; whether, considering the interest the working classes of this country have in such a subject, before the Commission is complete, he will cause to be put on it, as Commissioners, persons from the ranks of the workmen, who enjoy their confidence, and who, at the same time, have a thorough practical knowledge in all the branches of manufacture — in the cotton trade; woollen ditto; the iron trade in all its forms; coal mining in its various modes; and any other branch of manufacture that may be of sufficient importance to be reported upon; and, whether, if the Government consent to make such appointments, it will cause the various trades to be communicated with directly, so that only really skilled men in the respective occupations or handicrafts may be engaged on it?

MR. MUNDELLA, in reply, said, it would be in the recollection of the House that about three months ago the hon. Member for Glasgow (Mr. Anderson) moved for the appointment of a Royal Commission to visit the Technical Schools of France, Belgium, Germany, and Switzerland, and to report to the House as to the advantages which the agriculture and industries of these countries derived from technical education. He (Mr. Mundella) then stated that he thought the information could be obtained without putting the country to the expense of a roving Commission throughout

Europe, and that, by appealing to the public spirit of gentlemen connected with the large public industries of the country, those gentlemen would themselves undertake such a commission. He had since placed himself in communication with four gentlemen on this subject; two of them had already consented, at their own expense, to investigate the whole question. Those two Gentlemen were the hon. Member for Banbury (Mr. B. Samuelson), who had rendered very important service in this question in 1867, and the senior Member for Manchester (Mr. Slagg), who was largely interested in the cotton industry. The other two gentlemen with whom he had been in communication had not yet given a final answer; but he believed he should have a Commission which would obtain all the information that was required, and which would be all the stronger for being composed of unpaid Commissioners. With regard to the presence of working men on the Commission, his hon. Friend must be aware that there was no antagonism on this question. Both sides were equally interested in knowing what was being done, and the Report would be as public to the working men as to the employers. Moreover, they could not expect workmen to go at their own expense for two or three months visiting the technical schools on the Continent.

MR. MACDONALD asked whether, if the large working industries of the country were prepared to pay representatives to serve on the Commission, the right hon. Gentleman would allow such representatives a seat upon it?

MR. MUNDELLA said, that, under these circumstances, he would only be too happy to have Reports from those gentlemen, and have them embodied in the other Reports; and give the same facilities to the workmen as to their employers.

MR. DAWSON asked whether the Vice President of the Council would afford to Irish woollen manufacturers the opportunity of proceeding in the same manner as the manufacturers of England?

MR. MUNDELLA said, that any information as to the advantages of technical education on woollen manufactures would apply to Irish as well as to English manufactures. It did not really seem necessary to send a number of

gentlemen more than was necessary to make that inquiry; but if any gentleman connected with the Irish woollen manufactures would offer himself, and was possessed of the necessary qualifications, the application would be considered.

# PARLIAMENT—PUBLIC BUSINESS.

SIR STAFFORD NORTHCOTE wished to know what would be the course of Business to-morrow—whether there would be a Morning Sitting to-morrow, and, if so, for what purpose?

MR. GLADSTONE said, the moment the Committee on the Irish Land Law Bill was closed—and he hoped it might be closed to-night—the Government would take Supply, which, indeed, they were bound to do by every consideration of good faith, as well as of policy. Monday, of course, would be devoted to the Transvaal debate. He was not yet in a condition to say whether the debate could be closed on Monday; but at this period of the year it would be more for convenience and advantage if, by sitting a little late, they could close it then, rather than extend the debate over two nights. In that case it would be their duty to proceed with the Report on the Land Bill on Tuesday and Wednesday. He should likewise add that, under the circumstances, they might be able to proceed next day to the third reading, though that was a matter with regard to which they must consult the feeling of the House.

SIR STAFFORD NORTHCOTE: Assuming that the Committee on the Land Law (Ireland) Bill will be closed to-night, will there be a Morning Sitting to-morrow?

MR. GLADSTONE: Yes, Sir; for the purpose of going on with Supply.

# TURKEY—THE LATE SULTAN ABDUL AZIZ—MIDHAT PASHA.

MR. M'COAN asked, If there was any truth in the newspaper report of that day that Midhat Pasha was to be sent in exile to a place near Mecca?

SIR CHARLES W. DILKE said, that up to 4 o'clock that afternoon no telegram had reached the Foreign Office to that effect.

MR. M'COAN said, that he should repeat the Question on Monday, and if he did not then receive a satisfactory answer, he should move the adjourn-

*Mr. Mundella*

ment of the House, in order to afford an opportunity for expressing an opinion on the matter.

# SOUTH AFRICA—THE TRANSVAAL—MILITARY EXPENDITURE, 1879-80.

BARON HENRY DE WORMS asked the First Lord of the Treasury, Whether, with reference to the statement reported to have been made by the Secretary of State for the Colonies that "the financial balance sheet of the Transvaal did not include a single farthing for military expenses," it is not the fact that the Account of Revenue and Expenditure for the Transvaal for the years 1879 and 1880 (Blue Book 2950, page 73), includes an expenditure of £17,232 during these years for Colonial defence; and, whether he will cause a Statement to be published and laid upon the Table of the House, showing how this and other items of expenditure for Colonial defence are composed?

MR. GLADSTONE, in reply, said, he was given to understand by his noble Friend the Secretary of State for the Colonies that the Question was due to an incomplete report of the speech of his noble Friend. It appeared that the expenditure for Colonial defence was for outlays for Native Contingents and Native Police. The mention of military expenses referred to the cost of the military establishment in the Transvaal; and that, previous to the Boer outrage, amounted to many hundred thousands of pounds, though the precise amount could not be stated at present. Such a statement might hereafter be given, if it were thought desirable; but, to prevent misapprehension, the Secretary of State for the Colonies wished it to be understood that he alluded to the successful expedition against Secocoeni, which took place previous to the time the hon. Member had in view, and which cost £383,000. It was paid for by the Imperial Treasury, and a part of the cost of previous unsuccessful operations, amounting to about £110,000, was defrayed out of the local funds.

# PARLIAMENT—PRIVILEGE—"CLARKE v. BRADLAUGH."

MR. LABOUCHERE said, he desired to put a Question on a point of Order to the Speaker, of which he had given private Notice to the hon. Member for North Warwickshire (Mr. Newdegate).

It was, Whether, as the hon. Gentleman had admitted in the Court of Queen's Bench that he gave a bond to the common informer Clarke, who was Plaintiff in the action of "Clarke against Bradlaugh," engaging to indemnify him against all costs in the action which were not paid by the Plaintiff or covered by the penalty, the hon. Gentleman was not acting contrary to the rule which precluded a Member from voting on a matter in which he had a pecuniary interest. The hon. Member had blocked the first reading of a Bill which he had asked leave to introduce in order to relieve Mr. Bradlaugh from his liability for certain penalties for which Clarke was suing. The Rule, as given in Sir Erskine May's work, was—

"In the Commons it is a distinct rule that no Member who has a direct pecuniary interest in a question shall be allowed to vote upon it ;"

and he would submit to Mr. Speaker whether blocking a Bill was not constructively voting against it?

MR. NEWDEGATE said, he ventured to express a hope that the House would not take any proceedings upon the matter to which the hon. Member for Northampton had referred until, if the House should so think fit, the evidence given upon the trial now proceeding could be printed for the information of the House. He was the more confident in this expectation since it was a Rule of the House that it would not take cognizance of matters which were pending as part of judicial proceedings before the Courts of Law.

MR. LABOUCHERE asked, whether the hon. Gentleman should not also adhere to the Rule that no Member who had a direct pecuniary interest in a question should take part in it? He was quite ready, if the hon. Gentleman said he was wrong in what he had stated, to admit his error at once; but he was in Court when the statement was made.

SIR JOSEPH M'KENNA rose to Order, and asked whether such an interrogation as had been put could properly be addressed by one hon. Member to another?

MR. SPEAKER: I understand the hon. Member for Northampton (Mr. Labouchere) to have put a Question to the Chair on a point of Order. As the House is aware, any Member having a direct pecuniary interest in any matter before the House who gives a vote upon

that matter, is liable to have his vote disallowed; but, without expressing any opinion on this particular case, I may say that the Rule does not preclude a Member from giving Notice of opposition to a Bill if he thinks proper to do so.

### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [THIRTY-SECOND NIGHT.]

[Progress 20th July.]

Bill considered in Committee.

(In the Committee.)

NEW CLAUSES.

New Clause—

(Letting for labourers' cottages not to be within the restrictions of Act.)

"Any person prohibited under this Act from letting or sub-letting a holding may, with the sanction of the Court, and with power for the Court to prescribe such terms as to rent and otherwise as the Court thinks just, let any portion of land with or without dwelling-houses thereon to or for the use of labourers bona fide employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this Act, or to be a letting prohibited by this Act: Provided, That the portion of any holding so let does not exceed half-an-acre in each case, and that the total number of such lettings of portions of a holding does not exceed one for every twenty-five acres of tillage land contained in the holding,"—(Mr. W. E. Forster.)

—brought up, and read the first and second time.

Amendment proposed, in line 2, to leave out all the words after the word "may" to the word "let" in line 3.—(Mr. Callan.)

Question proposed, "That the words 'with the sanction of the Court' stand part of the Clause."

MR. CALLAN said, that last night he had suggested that his mind was not clearly made up as to the necessity of this Amendment; but, on further reflection, it now was. He took it that the two new clauses which stood on the Paper were introduced by the Chief Secretary for Ireland in order to improve the condition of the labourers' dwellings in Ireland. The first of them was a clause to facilitate the erection of



labourers' cottages. Now, the Bill of 1870, as it left the House of Commons, bore a striking resemblance in some of its essential features to the proposition which had been placed upon the Paper by the Chief Secretary; but there had been a most strange addition to the clause, which addition had the effect of placing further restrictions upon the tenant farmers in reference to the building of labourers' cottages. In the Bill of 1870, when it left the House of Commons, there was a provision which was afterwards struck out by the House of Lords, and for striking it out their Lordships had been very severely censured. They had been strongly censured more than once by the Chief Secretary for the course they took, and the right hon. Gentleman had constantly predicted that evil results would follow. Now, the reprint of the Bill, by order of the House on the 12th of May last, showed the portions of the Bill of 1870 that were struck out; and it would be found that in the clause which was omitted by the House of Lords there was no restriction whatever placed upon the tenant farmers in regard to the building of labourers' cottages save one, and that was that a sub-tenant of any holding of 25 acres or upwards should be relieved from the penalties of sub-letting or sub-dividing the holding, provided the portion to let was devoted to the use of the agricultural labourer, either for cultivation in the shape of gardens, or for the erection of cottage accommodation. It was provided by the clause that an allocation of part of the holding should not be deemed to be a sub-division or sub-letting of the land coming within the operation of the Act. He had thought when he saw the new clause upon the Paper that the Chief Secretary was introducing new words, or that it was brought in on the suggestion of those evil geniuses of the right hon. Gentleman, the permanent officials, who seemed to have warped and perverted the intellect of the right hon. Gentleman ever since he had been brought within the purlieus of Dublin Castle. If it were not accounted for in that way then it could only be accounted for on the supposition that the Chief Secretary wished to place additional obstacles in the way of the erection of labourers' cottages. When the Act of 1870 passed the House of Commons, and, indeed, as it now stood, the

18th clause directed that any landlord might, after six months' notice in writing to be served on the tenant, resume possession of so much of the holding as did not exceed the 25th part of the entire holding, for the purpose of erecting thereon one or more labourers' cottages, with or without gardens attached. Now, that clause had not been enforced by the landlords during the 11 years which had elapsed since the passing of the Act in no single instance. Then, how did the right hon. Gentleman propose to facilitate the erection of cottages on behalf of the tenant farmers? He proposed to place a restriction which would prevent any person from availing himself of this provision of the Bill and without the express sanction of the Court. That was to say that a tenant farmer, a man holding 50 acres of land, who wished to erect a couple of cottages on his holding, and to erect them at times that might be most convenient to them, would not be at liberty to do so unless he first obtained the sanction of the Court, and the Court would also have power to prescribe such terms in regard to rent and otherwise as to the Court seemed just. As the Bill left the House of Commons in 1870, the erection of a labourer's cottage, or such a sub-division of the holding, would not have come within the penal clauses of the Act. But what was the result now? The first thing the tenant farmer must do was to serve a notice upon the Court. As a rule, the tenant would be a poor ignorant farmer; he would know nothing about legal formalities, and would be altogether unable to conduct his own case. He would not know how to serve a notice, either upon his landlord or upon the Court; and he must, therefore, go to an attorney in order to secure the proper notice being served upon the Court, and also upon the landlord, for leave to erect a labourer's cottage, and this was what the Chief Secretary for Ireland called a clause for facilitating the erection of labourers' dwellings. Was there ever anything more preposterous than to say that under the operation of this Bill the tenant farmer must serve a notice upon the landlord and upon the Court, that he must then arrange for a hearing, wait for the convenience of the Chief Commissioner, or a Special Commissioner, who would make periodical visits

*Mr. Callan*

to various parts of Ireland and would not probably complete his round more than once in three years, or else the tenant must go to Dublin and show that he required this cottage accommodation for the *bond fide* cultivation of the holding, after which the Commissioner, in his benevolence, could direct the applicant—

“Of his great bounty,  
To build a bridge at the expense of the  
county.”

The Court might authorize the tenant farmer to erect the cottage; but all the formalities that it would be necessary to go through would place additional difficulties in the tenant's way. At the present moment no such difficulty was placed in his way, and this was one of those new-fangled schemes which the evil genius of the Chief Secretary for Ireland had induced him to propose. He (Mr. Callan) pressed upon the Committee the necessity of adopting the Amendment in the interest of the labourers themselves, whatever their prejudices might be in regard to making the labourer independent of the farmer. The only object of the Amendment was to remove an unprecedented restriction which the clause placed upon the tenant farmer, and to require that he should not be compelled to go to the Court before he undertook the erection of a cottage. There were very few inducements at present to the farmers to build cottages for their labourers, and it was undesirable to throw additional difficulties in the way. He therefore hoped the Government would yield to the suggestion he had made; if not, he should certainly feel strongly tempted to go to a division.

LORD JOHN MANNERS said, he was unable to be present yesterday, although he had desired to be in his place to express his thanks to the right hon. Gentleman the Chief Secretary to the Lord Lieutenant for having inserted in the clause the words to which the hon. Gentleman who had just sat down had objected. He regarded those words as a safeguard to the labourers, and if they were struck out it would be open for any tenant farmer, on availing himself of the provision, to charge any rent he chose, either for the cottage or for the piece of ground he wished to let. He (Lord John Manners) had taken that objection when the right hon. Gentleman origin-

ally proposed his Amendment; and he rejoiced to see that the right hon. Gentleman had now inserted these words, which, he believed, would afford a fairly satisfactory safeguard to the labourers of Ireland. That being the case, and as it had been clearly established in evidence before both of the Royal Commissions that no class in Ireland required exceptional protection so much as the labourers, he was not oppressed by the consideration that this restriction was against the principles of political economy. The whole Bill was opposed to the principles of political economy; and if it was right to protect the tenant against his landlord, in opposition to the principles of political economy, it was 10 times more necessary, in opposition to the principles of political economy, to protect the labourer against the tenant. In respect of what had fallen from the hon. Member for Louth (Mr. Callan), that these words would prevent the tenant from erecting cottages, he denied that there was any force in the objection. It must, however, be borne in mind that the clause applied not only to the erection of cottages, but to the letting of land for growing potatoes, and for any other agricultural purpose. Therefore, it was necessary that these words should be inserted in the clause for the benefit of the labourer, and he should do the best he could to support the Government in securing their insertion.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, it was quite impossible for the Government to accept the Amendment of the hon. Member for the County of Louth (Mr. Callan). The object of the Amendments proposed by the Chief Secretary for Ireland was to encourage the building of labourers' cottages. It was obviously to the interest of the landlord and the tenant that such cottages should be suitable for the cultivation of the holding; and as it was both for the interest of the landlord and of the tenant that the labourer should be there for the purpose of cultivating the holding, it was only common sense to suppose that both of them would do that which was best calculated to promote their own interests. Therefore, the natural inference was that they would join in seeing that proper buildings were erected in suitable places. The very words which

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the hon. Member sought to exclude formed the only protection the tenant had in enabling him to erect a cottage for a labourer. Suppose that a landlord, out of spite, wished to injure the tenant, and refused his consent to the erection of a cottage, the words which the hon. Gentleman wanted to omit would be a protection to the tenant. It must be borne in mind that sub-letting or sub-dividing a holding was prohibited in another part of the Bill; and unless the tenant had protection in the case of desiring to erect labourers' cottages, it would be impossible for him to do so against the consent of his landlord. It was, therefore, absolutely necessary to protect the tenant in the way provided by the clause. The hon. Member for Louth seemed to think that some limitation was placed on the tenant which did not exist before. That was a great mistake, and was entirely erroneous. The yearly tenant never had such an interest in the holding as would enable him to erect a building against the desire and consent of his landlord. [Mr. CALLAN dissented.] The hon. Member for Louth shook his head; but if he made an inquiry into the subject, he would find that the only way in which a yearly tenant could do it was to obtain the concurrence of his landlord. This clause, if the landlord refused to give his concurrence, would enable the tenant to appeal to the Court for its intervention; and, therefore, the words which the hon. Member sought to exclude were those which gave mutual protection both to the tenant and to the landlord, and encouraged the object of the Bill so far as the erection of labourers' cottages was concerned.

Mr. PARNELL said, he was bound to say—and he said it with all due deference to the legal knowledge of the hon. and learned Gentleman the Solicitor General for Ireland—that he did not read the clause in the same way as the hon. and learned Gentleman did. He failed to see that the assent of the Court was necessary in order to give the tenant under the clause the right of building a labourer's cottage. As explained by the learned Solicitor General for Ireland, the tenant was bound by statutory provisions which prevented him from exercising his Common Law right, as a yearly tenant, of erecting a labourer's cottage; and the hon. and learned Gen-

tleman said these words, "with the sanction of the Court," would give the tenant a statutory right to do so, and would replace the statutory provision which was originally contained in the Land Act of 1870. Now, it appeared to him (Mr. Parnell) that the words "with the sanction of the Court" were distinctly a limitation of the clause, which was an enabling one, and that they would operate injuriously upon the tenant farmer. They would manifestly be a drag upon him, because, as the hon. and learned Gentleman knew—probably no one knew better—the tenant farmers regarded with considerable disinclination any formal proceedings in the way of an application to the Court to enable them to do anything at all. He had no doubt that many farmers, who might be desirous of erecting cottages for their labourers in obedience to this clause, would be deterred by the insertion of these words, simply because they would be unwilling to make the necessary legal application to the Court.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) asked the hon. Member for the City of Cork (Mr. Parnell) to explain what the Common Law right was that the tenant now possessed?

Mr. PARNELL said, he imagined the tenant had a right, from the mere fact of being in possession of the tenancy, to erect dwellings for the labourers to live in, unless he were distinctly barred by statutable conditions.

Mr. MARUM said, he was sorry to disagree with the hon. Member for Louth (Mr. Callan). If the Committee allowed the clause to pass in the way suggested by the hon. Member, it would read in this way—

"Any person prohibited under this Act from letting or sub-letting a holding may let any portion of land with or without dwelling-houses thereon to or for the use of labourers bona fide employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this, or to be a letting prohibited by this Act."

The clause would consequently read in a very contradictory manner. He believed that it was absolutely necessary to retain these words and to give the Court the power of interfering in the matter, not for the purpose of cutting down the labourers' wages, or for interfering with the rent of the holding; but they all

*The Solicitor General for Ireland*

knew that the tenant farmers of Ireland were not as just and as generous to their labourers as they ought to be. No doubt the circumstances of the tenant farmers themselves were bad, and prevented them from being generous; but, at the same time, it was quite certain that in this matter it was necessary to have some control over them on the part of the Court. He would, therefore, suggest to his hon. Friend the Member for Louth that he was really pressing an Amendment which was altogether unnecessary.

MR. LEAMY said, the hon. Member for Louth (Mr. Callan) had not expressed the opinion attributed to him by the learned Solicitor General for Ireland that the clause imposed restrictions which did not exist before. All his hon. Friend said was that it imposed restrictions which would not have existed if the Land Bill, as it left the House of Commons in 1870, had been passed. The chief difficulty which the Irish Members saw in the adoption of the words proposed by the Government was this—that an application to the Court could not be made without some expense, and there was great danger that the prospect of incurring the expense of a law suit would prevent anything being done in the way of erecting dwellings for labourers. The landlord would be a party interested, and he would therefore be entitled to go into the Court to show cause against any proposal on the part of the tenant farmer to erect a labourer's cottage; and, as a consequence, the tenant would pause before he proposed to put up such cottages from fear that he might have to face a law suit. He failed to see, further, that there was any power to advance the money necessary for the purpose of erecting cottages to the tenant farmers. [An hon. MEMBER: That power is contained in the next clause.] He (Mr. Leamy) gathered that the power was given to advance the money only where the tenant applied to have a judicial rent fixed. Under the clause they were now discussing there was no power to advance any money for this purpose. Therefore, the tenant was putting himself forward to build cottages for his labourers out of his own pocket; and, certainly, if he was willing to do that, he ought not to be compelled to go to the Court.

SIR JOSEPH M'KENNA thanked the hon. Member for Louth (Mr. Callan)

for the interest he took in the welfare of the labourers; but he thought that the Amendment suggested by the hon. Member would be altogether ineffectual for the protection of that class of persons. The clause as it ran, and as it was moved by the Chief Secretary, was that—

“Any person prohibited under this Act from letting or sub-letting a holding may, with the sanction of the Court, and with power for the Court to prescribe such terms as to rent and otherwise as the Court thinks just, let any portion of land with or without dwelling-houses thereon to or for the use of labourers *bonâ fide* employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this Act, or to be a letting prohibited by this Act.”

His hon. Friend proposed to strike out all the words which placed the farmer under the necessity, when sub-letting to the labourer, of having a fair rent fixed for the holding. In the clause, when so amended by his hon. Friend, there would be nothing to prevent a farmer from erecting on a farm of 250 acres some 10 labourers' cottages, and then charging the occupants of such cottages any rent that he might think fit, letting them as accommodation land from year to year. He thought the adoption of his hon. Friend's Amendment would offer a direct premium to the tenant farmer to deal with the land after that fashion. If the object of Parliament was to protect the *bonâ fide* labourer, nothing was more incumbent upon them than to see that the farmer had not the power in his own hands of dealing exactly as he chose with his labourers, and of preventing them from having cottages or land except upon such terms as he thought fit to prescribe. What his hon. Friend proposed to do was to provide that no rent should be fixed by the Court as between the labourer and the farmer. [Mr. CALLAN said, that was certainly not his intention.] His hon. Friend struck out the words “with the sanction of the Court.” If that was not his intention, and his hon. Friend could present his Amendment in such terms as would satisfy the Committee that it would operate *bonâ fide* for the protection of the labourer, he (Sir Joseph M'Kenna) should be happy to support it; but it certainly struck him that as it stood at present it would practically leave the labourer altogether in the

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farmer's hands, and they were precisely the hands in which it was not desirable that he should be left.

MR. CALLAN said, he thought he had been misunderstood. His attention had been drawn to this 1st clause by the wording of the 2nd new clause, of which Notice had been given by the Chief Secretary, and which gave power to the Court, on application for a statutory lease, to impose conditions as to the erection of labourers' cottages. The clause ran thus—

"Where an application is made to the Court for the determination of a judicial rent in respect of any holding, the Court, if satisfied that there is a necessity for improving any existing cottages, or building any new cottages, or assigning to any such cottage an allotment not exceeding half an acre, for the accommodation of the labourers employed on such holding, may, if it thinks fit, in making the order determining such rent, add thereto the terms on which such accommodation for labourers is to be provided by the person making the application."

The conditions were imposed in a subsection, or a second paragraph of the clause, which ran as follows:—

"Where, upon any such application, the Court requires the tenant of the holding to improve any existing cottage, or to build any new cottage, such tenant may be deemed to be a person to whom a loan may be made under the Landed Property Improvement (Ireland) Acts for the improvement or building of dwellings for labourers, and if such person were an owner within the meaning of the said Acts: but any such loan may be made for a less sum than the sum of one hundred pounds."

But in the clause they were now discussing there was no such advantage given to the tenant; and, nevertheless, he was required to obtain the sanction of the Court to the building of a cottage. His objection was, that there was no such sanction required in the provision made for the same purpose in the Act of 1870. It was quite true that the clause itself was struck out by the House of Lords; but it never was proposed that the tenant should be obliged to go to the County Court, which occupied the position of the Court now proposed, in order to obtain its sanction to the erection of a cottage. He should be willing to withdraw his objection to the clause if the Government would come to a compromise; but otherwise he should be forced to go to a division. What he would suggest was this—that if a tenant obtained the sanction of the Court to build a cottage, he should then come under the operation

of the second paragraph of the 2nd clause. [An hon. MEMBER: That relates to reclaimed land.] He hoped no Irish farmer would be so foolish as to build a house where the land had not been reclaimed. As the clause was at present drafted, the tenant would not come under the operation of the second paragraph of the 2nd clause, which would enable him to obtain an advance in the shape of a loan, under the Landed Property Improvement (Ireland) Act for the improvement of dwellings for labourers, as if such person were an owner within the meaning of such Acts. Under those Acts the tenant farmer would be able to obtain a loan for any less sum than £100. If the Solicitor General for Ireland would so re-draft the clause as to bring it under the second paragraph of the next clause, his objection, although to a considerable extent remaining, would be very much modified, because there would be a *quid pro quo*; and he would, in that case, withdraw the Amendment. But unless that was done he should certainly proceed to a division.

MR. W. E. FORSTER: I understand the question before us is whether we should retain the words, "with the sanction of the Court." The noble Lord who addressed the Committee just now (Lord John Manners) thought the question went a little further than that, and that it included power to the Court to prescribe the rent of labourers' cottages and other matters. Now, the position we are in is this—we have already, in another clause, positively prohibited sub-letting without the consent of the landlord. We have given power to the landlord, under the 17th clause, to re-sell land for the purpose of building cottages for labourers; and the question is, in what way we should give power to a tenant to sub-let for a similar purpose. We think that the tenant ought to have this power, and it would be rather a strong measure to say that he should have the power to do it contrary to the assent of the landlord, and with the dissent of the landlord, without the sanction of the Court. That is what it will come to. He has already the power of doing it with the consent of the landlord; therefore, the question can only arise where the tenant wishes to erect a cottage, and the landlord refuses to give his consent. In that case we think that inasmuch as the Court

*Sir Joseph M'Kenna*

comes in, in the case of a dispute between the landlord and tenant, where the landlord desires to resume, it is not unreasonable that the Court should also come in between the landlord and the tenant if the tenant is willing to build a cottage himself and the landlord objects. So much for the position of the landlord. But we also think that it would be for the advantage of the tenant to have power to apply to the Court, and for this reason—that I have a very strong opinion that the Court should have the power of prescribing the rent, and unless we bring in these words—"with the sanction of the Court," there would be very little advantage in leaving in the rest of the clause. The cottage or piece of land might be apportioned and let; but it might be let at an exorbitant rent, and the Court know nothing about it. Therefore, although other provisions are contained in the 2nd clause, this 1st clause is really required in order to make the 2nd effective. The hon. Member for Louth says that we have put into the clause words which were not in the Act of 1870. [Mr. CALLAN: I said in the Bill of 1870.] Certainly these words, "with the sanction of the Court," were not in the Bill of 1870. The hon. Member is quite right in that respect; but the Bill of 1870 contained no power to fix rents, and it is because we give that power here that we think it reasonable to give the Court, in extreme cases, the power of settling what the rent shall be for these small cottages. These are the reasons why the Government think it desirable to adhere to these words.

COLONEL COLTHURST asked whether the case put by the hon. Member for Louth was not met by Clause 25, which gave power to the Treasury to advance loans to occupiers on the security of their tenant right for different purposes, and, among other things, for works of agricultural improvement? It was understood during the discussion which took place upon that clause, and it was certainly stated by a Member of the Government, that labourers' cottages were included in the term "agricultural improvements."

MR. CALLAN wished to point out that, however prominent or influential any declaration from the Treasury Bench might be considered in the House of Commons, it would not be worth anything when it came to be put forward in

any Court of Justice, either in Ireland or in England. In fact, any counsel who would presume to tell the Judge what expressions of opinion had fallen from the Treasury Bench during the passage of the Bill through Parliament, with the hope by such a statement of influencing the judgment of the Court, would not only be laughed out of Court, but he would certainly fall very low indeed in the estimation of attorneys, and would injure his professional prospects very considerably. What was this clause? The very title was—"Reclamation of land and emigration." He would ask the hon. and gallant Member whether the erection of labourers' cottages came within the term "emigration?" Suppose the clause were to pass and a farmer went before the Court and asked for the declaration of a judicial rent. The Court might impose conditions upon him as to rent and as to the terms on which accommodation for labourers was to be provided; but according to this the Treasury would not have power to advance the money even with the consent of the Court. Were the Court to make no order unless the application came before them, not for the purpose of building a house, but for the determination of a judicial rent? If the farmer went before the Court for a judicial rent, the Court might impose terms upon him on which he was to build and let cottages; but he was to get the money under the Landed Property and Improvement (Ireland) Act. But if the tenant, being on amicable terms with his landlord, did not ask for a judicial rent, but only asked for sanction to build a cottage, then the Court would not have power to make an order for the advance of the money from the Treasury. Such a condition of things was, then, a direct encouragement to the tenant to apply for a judicial rent. ["Hear, hear!"] He heard some hon. Gentleman cry "Hear, hear!" He only hoped that that hon. Gentleman would be so open to reason and to public opinion that his tenants would not be compelled to apply for a judicial rent. But he would like to have some assurance from the Government that the paragraph in the 2nd clause would provide for giving the sanction of the Court to build labourers' cottages. Such an assurance would, he was sure, be received with great satisfaction.

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MR. W. E. FORSTER said, he did not know that he had quite followed the hon. Member; but he remembered the debate on the 25th clause, and he thought it was understood then, or stated, that the paragraph that was introduced to authorize the Board of Works to make advances to occupiers for reclamation, or any other work of agricultural improvement, would include the building of labourers' cottages among works of agricultural improvement. But, as the hon. Gentleman had pointed out, whatever might have been stated from or understood upon the Treasury Bench in the House of Commons would make no difference in a Court of Justice; and it was not unreasonable to ask that the Government should make this matter quite clear. On their behalf, he would undertake that they should do so upon the Report of Amendments.

MR. RAMSAY said, that one difficulty in dealing with the clause arose from the dread that the Committee might be unduly adding to the number of small holdings, and in that way be increasing the trials and troubles of Ireland. His reason for suggesting that was, that the extent of the holding on which a cottage might be erected was set down at 25 acres. Now that they were discussing the principle of the clause—

THE CHAIRMAN: Order, order! The clause has already passed its second reading, and we are now upon the Amendments.

MR. CALLAN said, he was quite willing to accept the assurance of the right hon. Gentleman the Chief Secretary for Ireland that the second paragraph of Clause 25 should be so altered as to make it clear that the building of labourers' cottages should be included among agricultural improvements. Under those circumstances, he was perfectly ready to withdraw the Amendment.

MR. W. E. FORSTER said, the matter should be made perfectly clear upon Report.

MR. A. MOORE said, he thought there was some point in the objection that a farmer would be deterred from building a cottage if he had first to incur the trouble and expense of a law suit. But the object in view might easily be attained by altering the words "with the sanction of the Court," into "on appeal to the Court." He pre-

sumed the main thing was to prevent these cottages being built to the detriment of the landlord; but the next words would prevent the cottages from being forced on a reluctant landlord where he had good reason to oppose them.

MR. W. E. FORSTER said, that what, to his mind, was of great importance was that the Court should know of what was being done, because, if they did not, they would not be able to exercise any powers of arbitration.

MR. CALLAN said, he did not think they were quite clear as yet as to what was really the principal point. What he desired to have declared was, not only that where a tenant desired to make an application to the Court for the definition of a judicial rent, but that where a tenant desired to ask the sanction of the Court for the erection of labourers' cottages, in both cases such tenant should be deemed to be a person to whom a loan might be given under the Landed Property and Improvement of Lands (Ireland) Act. If that was to be made clear upon Report, it would answer his purpose.

MR. W. E. FORSTER: It shall be.

MR. CALLAN: Then I withdraw my Amendment.

Amendment, by leave, *withdrawn*.

LORD RANDOLPH CHURCHILL, in moving an Amendment to strike out from the clause the words—

"And with power to the Court to prescribe such terms as to rent and otherwise as the Court thinks just,"

said, he was bound to say that if there had been one thing more than another that he had heard with trembling during the progress of this Bill, it was when the noble Lord the Member for North Leicestershire (Lord John Manners) some days ago thought it expedient and prudent that this provision should be inserted. The noble Lord had now publicly thanked the right hon. Gentleman for inserting these words, and had said—"You object to it because it interferes with the principles of political economy. But the whole Bill is an interference with the principles of political economy." Still, he (Lord Randolph Churchill) did not see why, because they offended against the principles of political economy in one respect, they should also offend against those principles in another. No doubt, by inter-

fering between landlord and tenant, they could attain their object, and procure the fixing of rent; but by compelling the building of labourers' cottages they did not attain their object, because another consideration came in, in the shape of wages, which they could not touch. Nothing could be more mischievous or monstrous than to violate the principles of political economy on grounds such as these. Then there was another point. What did the right hon. Gentleman mean by the words—"The Court is to prescribe such terms as to rent and otherwise?" What did "and otherwise" mean? A labourer might work in one part of the country one year, and in another part another year. But by fixing the rent of the cottage, were they not giving that man a certain interest in the cottage or allotment? And, if so, were they not giving him a permanent interest of some kind or other? If that was done in the case of the tenant, it must be the same in the case of the labourer. He would ask the right hon. Gentleman the Chief Secretary for Ireland this question—If a farmer went to the Court and obtained permission to build a cottage, and said—"I will put in such-and-such a man who will pay such-and-such a rent," could the man so put in be afterwards evicted? The man might be a very respectable man, and when he had had a cottage built for him by the assent of the Court, and the rent fixed for him by the Court, it would obviously be very hard to leave him to the caprice of the farmer, and liable to be turned out. When they fixed the rent, could they help giving him an interest in the cottage? He (Lord Randolph Churchill) had the strongest possible opinion that this provision would prove a most unfortunate one. He was certain that the clause would be absolutely reduced to a dead letter, and that no farmer would go to the Court to ask permission to make the improvements, when he knew the condition in which they would place him. Nor was it all necessary that the Court should step in. They all knew what the agricultural labourers' movement was in England—it had shown that the labourer did not require protective legislation, for by union and strike there had been a sensible rise in the wages of the English agricultural labourer, who, by combination and agitation, had helped himself, without any

interference from the Legislature. He thought the same thing would take place in Ireland, because there was a notice in *The Times* of this morning, which seemed to have come as a direct interposition of Providence in this matter. He found from that notice that at Cork, on the 20th, there was a congress of farmers and labourers of the district on strike. It was presided over by the parish priest, and 200 labourers attended. Some 20 farmers were present, the labourers presented a list of their demands, and the farmers seemed anxious to meet their views. They arrived at a basis of agreement, under which the labourers were to receive an advance of 1s. a-week, grass for two sheep, and, it being shown that while some farmers charged £12 an acre for the ground which the labourers held, and that £10 was the average price per acre, it was arranged that in no case should the farmer charge his labourer more than £8 an acre, and for inferior soil £7. All the employers present signed those conditions, and the men agreed to work for those farmers who subscribed the agreement. In that way the strike, so far as it affected that part of the country, was brought to an end. Was it not most gratifying, under such disturbed conditions, to find these two classes meeting together, and settling their differences in a business-like way, without any outside interference? They had seen what the farmers had got by agitation; they were now perfectly well able to protect themselves. If Parliament should now decide to step in and regulate what should be the rate of wages, they would do great harm to the interests of the public. He thought the rest of the clause was unobjectionable in every way. It might be a very good thing to allow the labourer to get, through the assent of the Court, a good cottage built for him; but he entreated the Government not to spoil the clause by bringing this immense engine of State interference into matters which would do perfectly well without it.

Amendment proposed, in line 2, to leave out from "and" to "just," inclusive, in line 3.—(*Lord Randolph Churchill.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

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MR. W. E. FORSTER said, the provision under which the Court would prescribe terms as to rent, &c. would only come into operation in extreme cases. The noble Lord seemed to suppose that the Court would fix a rent, and retain a particular labourer in a particular cottage; but if he read the clause he would find that that was not its meaning. The words of the clause ran thus—

“Any person prohibited under this Act from letting or sub-letting a holding, may, with the sanction of the Court, and with power to the Court to prescribe such terms as to rent and otherwise as the Court thinks just, let any portion of land, with or without dwelling houses thereon, to or for the use of labourers *bonâ fide* employed and required for the cultivation of the holding, &c.”

If the tenant said—“I wish to do as is done in England, and to provide my labourers with decent cottages, having these cottages for whoever may labour upon the farm,” that would not, in the least degree, alter the tenure upon which the labourer would be in the cottage; it only provided that the farmer should not be frustrated in his intention. As to the provision with regard to rent, the tenant would have the power of the law to assist him in fixing his rent, and in making a bargain with his landlord, and the Government thought that the Court ought to have the same power, in extreme cases, of fixing the rent to be paid by the labourer, so that the man who had his own rent fixed as against the landlord should not be able to charge just what he pleased in the case of the labourer. He did not see how the clause was to work at all without some such provision. He did not wish to make this a labourers’ case, as against the farmers; in point of fact, he did not wish to treat either party better or worse than the other; but, no doubt, there were instances in which very high rents had been charged. The noble Lord said—“You need not mind about this, because 200 labourers in Ireland have already settled the matter with the farmers who employ them.” Well, he (Mr. W. E. Forster) was very glad to hear that; and if such a state of things were general throughout Ireland this power never need be asked for. But the labourers of Ireland in general were not a powerful class. They were, perhaps, in some counties, and they were making their power felt in Cork; but in

many parts of Ireland, and especially in those districts where most of the work was done by the farmer himself, and by his family, they were not a strong class—in fact, they were about as helpless a class as could be found anywhere. And, inasmuch as the Government were taking power to assist the tenant under this Bill, they could not well pass this clause without also taking power to prevent any injustice on the tenant’s part.

LORD RANDOLPH CHURCHILL said, the right hon. Gentleman had not answered his point. What he asked was, could the labourer be evicted? Because, if not, he would have a permanent interest in the cottage given to him; while, if he could be evicted, it was of no use whatever fixing the rent, as the farmer could easily say—“If you don’t pay an increased rent, I will evict you.”

MR. W. E. FORSTER said, the operation of the clause would be simply this—that the tenant would build a cottage, and the Court would fix a rent for it, or rather would say that the rent to be charged should not go beyond a certain sum. It did not follow that the labourer who first occupied the cottage would always have to stop in it. It would still be in the power of the farmer to say to him—“I do not want you to labour for me, and I do want somebody else.”

MR. A. J. BALFOUR said, the difficulty they were now in was exactly what might have been expected when a Bill of this character was brought in. The Bill interfered with one class in favour of another which, they were told, could not make their own bargains. In the course of discussion, the claims of another class who were said to be unable to make their own bargains had been raised, and in the Bill which the Government brought in originally to deal with tenant farmers an attempt now was to be made to deal more or less directly with the whole condition of the Irish labourers. This new interference was justified on precisely the same grounds as had been used in the case of the tenants, because the right hon. Gentleman the Chief Secretary had just said that the agricultural labourers were a weak class, and he presumed the right hon. Gentleman meant by that that they were a class incapable of making bargains efficiently

for themselves. It appeared to him (Mr. A. J. Balfour) that they were now going in for the extension of a most dangerous principle. When they were discussing the 7th clause, he had pointed out that if this House thought itself competent to establish a tribunal for the fixing of fair rents, it was impossible to deny that they had a power which they might use of fixing what should be a fair day's wages. The Bill had not gone through Committee before the House had taken a step in that direction. If this proposal did anything at all for the labourer, it must be by raising his wages. Either it would benefit the agricultural labourer or it would not. If it did, it must be by raising his wages. The right hon. Gentleman had said it was most desirable that the labourers should have good cottages; no doubt it was. He had also said it was most undesirable that they should have to pay exorbitant rents for those cottages. No doubt, it was most undesirable. But if legislation was to keep the rents down, how far did the Government mean to carry that principle? At this very moment, within 200 yards of this House, there were whole classes of people infamously lodged and outrageously rented. What would the Government say when the classes much nearer home than the Irish agricultural labourer came to ask for an alleviation of their lot? This Bill, which was originally a purely agricultural Bill—purely a Bill for dealing with the relations between landlord and tenant—had now, by the inevitable logic of events, become a first step towards dealing with the social economy of the country. He could not understand the Government entering upon a course of this kind with a light heart. He perfectly understood the position of his noble Friend who had spoken from the Front Opposition Bench, because it was perfectly true that if it was justifiable to interfere with the tenant farmer, it was justifiable also to interfere with the labourer; and the landlords were not a bit more able to take care of themselves than were the tenants; but when they had admitted a vicious principle in regard to one class, they should be very careful before they extended it to another, especially when such extension was fraught with even greater dangers than the original proposition as laid before the House by the Government.

The hon. Member for Louth yesterday asked the Government whether this clause was to be taken as redeeming the pledge given by them in regard to the agricultural labourer, for whom they had promised to do something. They replied that it was not to be taken as redeeming that pledge, so that there was still something else to come to ameliorate the labourer's lot. By a Resolution which was laid before the House some weeks ago, a hope of a most dangerous kind was held out by the Government before the agricultural labourers of Ireland, and now the Government embodied in their Bill a definite proposal for the amelioration of the condition of that class. At the same time, they said that these proposals did not absolve them from their pledge to bring forward other proposals; and, no doubt, the agricultural labourers of Ireland would expect them to introduce a Bill specially in their favour next year. ["Hear, hear!"] That proposition was assented to and cheered by hon. Gentlemen behind him who knew what the Irish labourers were likely to expect; and it was, therefore, impossible to doubt that they, with all the power of organization they possessed, and the votes at their command in that House, would urge upon the Government the claim of that class which was not satisfied by the most dangerous proposal the right hon. Gentleman now laid on the Table.

MR. MITCHELL HENRY said, the hon. Member had raised a tremendous issue upon an altogether false basis. The hon. Member forgot that these clauses which all hung together allowed the tenant farmers to build cottages and to borrow public money for the purpose, the State fixing the terms on which the money was to be advanced. In the case of the labourers' cottages already built money had been borrowed by the Board of Works and the terms were fixed. What could be more fair, when the State was going to lend money for accommodating labourers with dwellings, that the State should take care that the labourers were charged only a proper rent? This sort of thing was done every day.

SIR STAFFORD NORTHCOTE: There is one question I should like to ask as to the effect of these words as they now stand. I am not quite sure that I altogether comprehend the observations.

[Thirty-second Night.]

of the hon. Member for the County of Galway as to whether it is to apply not only to the case where money is advanced by the State, but to every case. The question I wish to ask is this. The clause will give power to the Court to prescribe such terms as they may think just. Well, does that mean that the power shall be a power to be exercised once for all, or a power to be exercised from time to time? If it is a power to be exercised once for all, it really appears to be hardly necessary, because you have the words, "with the sanction of the Court," and the Court will probably look into the circumstances to see if the cottages would be such as would be properly dealt with, and would give their sanction accordingly. But if it is a function which is to be exercised from time to time you will certainly give a very extraordinary power. I think this is so important that we should have a clear explanation upon it.

LORD RANDOLPH CHURCHILL said, he must press the right hon. Gentleman upon this point, and must protest against his deliberate refusal to answer the question put to him. If the Court was to fix the rent they must give permanence of tenure. If they did not give permanence of tenure it was not the slightest use fixing the rent, for in a month or six weeks after the cottage was occupied the farmer might say to the labourer—"I went to the Court in order to get it to allow me to build a cottage, and I have got the permission I want. Now, if you do not give me 2s. a-week more I will turn you out." If the rent was paid weekly, the farmer might turn out the labourer at any moment, the tenure being one of the most precarious he (Lord Randolph Churchill) knew of. They must give the labourer the right to the cottage as long as he laboured on the farm. The tenant had his farm as long as he cultivated the land; and, in the same way, if they gave the labourer a cottage they must give it to him as long as he laboured for the farmer. Do let the right hon. Gentleman (Mr. W. E. Forster) for once in a way get up and answer a plain, open question in a plain, open manner. Did he mean to give the labourer a permanent interest in his cottage?

MR. W. E. FORSTER: I do not wish to heighten the tone of the discussion,

*Sir Stafford Northcote*

therefore I will not remark upon the manner in which the noble Lord has put his question. He asks me to answer a plain and open question in a plain and open manner; and, in reply, I have to say I have already done so. ["No, no!"] Yes, certainly; I said we did not give any permanent tenure. It appears to me that there is a great deal of forgetfulness as to the position of the farmer and the labourer upon the matter of farm accommodation. At present a great many of the labourers' dwellings are very wretched cabins, and what we aim at is at giving better cottages. I do not at all believe that if you once get decent cottages at a tolerable rent the farmer will attempt to make that dwelling accommodation a question of wages. Of course, you cannot give the labourers fixity of tenure in their cottages, because that would defeat the very object of having cottages for the labourers employed on the farm. A labourer, after working upon a farm one week, might go somewhere else the next and engage himself in a different kind of work, so that your object would be altogether frustrated. We trust by rousing public opinion upon this matter to direct the current and effort towards the erection of better cottages for the labourers on the farms. We say, let the farmer have the power of subletting for that purpose, and let the Court, in these cases, say that a cottage put up for a labourer, and the land connected therewith, shall not be let at an exorbitant rent. No doubt, cases may occur in which the labourers may be turned out; but I do not think it will be with the decided and clear object of defrauding them and increasing their misery. But, for the purposes of convenience and custom, I believe anyone who has paid attention to the relation between farmer and labourer in Ireland will be of opinion that if we once get a fair and reasonable rent fixed for the cottages no advantage will be taken of it.

LORD ELCHO said, the right hon. Gentleman seemed to have started a new theory, that there was a sort of clanship between the farmer and the labourer that altogether negated the idea of there being any reduction made in the wages. No doubt the labourers should be well housed, but it was objected that it would be fatal to fix the

rent if they did not go further, and, at the same time, fix the rate of wages. The Chief Secretary to the Lord Lieutenant had not touched the question raised by the noble Lord, which was that supposing to-morrow the cottages were built and the day after the rent was fixed by the Court, within a month of such fixing the farmer could say to the labourer—"If you do not give me 2s. a-week more I will turn you out of the place." They could not get out of that except in the way that had been suggested. He (Lord Elcho) was anxious that this Bill should go through Parliament as inconsistent, and as absurd, and as contrary to all sound principles as possible. That was the only way to show hon. Gentlemen the lines upon which their work really went. Therefore, as a matter of fact, he should be glad to see the Bill passed, containing this absurd provision for fixing the rent of labourers' cottages, when, in reality, it was impossible to fix it. He would propose that the Government should go further, and should, later on, bring up a clause with the object of fixing the rate of wages all over Ireland.

MR. VILLIERS-STUART said, he hoped that the Committee would not accept the Amendment of the noble Lord. It would be an inconsistency on the part of those who supported the second reading of the Bill to do so, because the main purpose of the Bill was the suppression of rack rents. This was undertaken on two grounds—that of justice and expediency; justice, because it was manifestly unjust to let the tenant continue liable to have the capital he had put into the ground confiscated or appropriated without ample compensation; expediency, because there could be no peace in Ireland until the agricultural classes had been rendered contented by the redress of their grievances. He claimed the same protection against rack rents for the labourers, and on the same ground—on that of justice, because they, too, had put their capital into the ground; they, too, could complain that the fruits of that capital had been hitherto appropriated without adequate compensation; they had done all the hardest and heaviest of the work; they had drained the bogs; they had sub-soiled the moors, built the fences, and made the roads. It had been laid down as an axiom that the cultivator was entitled, in return for his labour, to live in decent comfort upon

the land he tilled. Had the labourers received this recompense? He thought the unanimous verdict of everyone acquainted with the subject was that they had not; they had been kept at starvation point; they had been shamefully lodged, fed on the lowest description of food, and received a rate of wages lower in proportion than any other labouring population in Europe. He said, therefore, that the capital they had sunk in the soil—that was their labour—had been really and truly confiscated without adequate return to them; and, therefore, that on the grounds of justice their case came within the scope of the Bill, and quite as much and as urgently required attention as the class above them. The Bill was based not only on justice, but on expediency; on the latter ground, also, there was just as strong reason to deal with their case as with that of the tenant farmers. From the point of view of expediency, because the purpose of the Bill was to pacify Ireland. It was obvious that no pacification was possible without bringing about the contentment of the agricultural class. The existing provisions of the Bill only affected one half of that class, and would leave the other half worse off than before, unless some provision was now introduced on their behalf. It was evident therefore that pacification could not follow unless their case was efficiently dealt with. On the contrary, their discontent would be increased if they saw benefits and concessions heaped upon the class above them, while they themselves were left out in the cold. Indications of this were already showing themselves. Labour Leagues were springing up in all parts of Ireland, and there was real risk of a dangerous and troublesome agitation, unless their case was sufficiently dealt with. Grievances long borne with patience would at last burst forth like a pent up flood, sweeping away all before it. He did not admit that there was any real antagonism between the interest of the farmers and that of the labourers; it was the interest of both that the grievances of both should be redressed. If the farmers were called upon to make any sacrifice, they would be amply compensated by diminished poor rates. No one who had not been a member of an Irish Board of Guardians could have any idea of how large a proportion of the burden

thrown upon the ratepayers was caused by the wretched condition in which the labourers live; typhus fever and scrofula resulted from it. He himself knew a case where, in a cabin consisting of one room, a scarlatina patient occupied the only bed in it, and the milk of their cow was placed in pans under that bed, they having, apparently, no other place to put it; the cabin was doing duty both as fever hospital and dairy! A more effective way of spreading pestilence could scarcely be devised. Whole families were thrown upon the rates for months together from similar causes. Whatever was spent on improved dwellings would be amply repaid by diminished poor rates, and by the improved health and efficiency of the working classes. A good deal of evidence had been taken before the Bessborough Commission on the subject. He would not occupy the time of the Committee by entering into details; but one passage in it was so original that he thought they would forgive his quoting it. A clergyman stated as follows:—

"In reply to the question, how are the labourers in your district, he said to describe their habitation would be simply impossible. You will have an idea of it when I tell you the case of one poor man who settled on a bog in my district. His wife was confined to bed. A horse suffering from some disease—staggers, I believe—fell against the house, tumbling it down upon the old woman inside."

The bog on which this cabin was built was described as follows:—"If you hopped upon it, my Lord, you would shake half an acre about you." There was abundant evidence in the Bessborough Commission to prove the urgent necessity for the intervention of the Court. He trusted, therefore, that the Committee would cordially support the well-meant proposals of the Government, and not risk the defeat of the main purpose of the Bill, which was the pacification of Ireland.

Question, "That the words proposed to be left out stand part of the Clause," put, and *agreed to*.

MR. BRODRICK said, the next Amendment was in his name, and it was one small in its scope, but which, to the landlords, was of great importance. The right hon. Gentleman's clause provided that a tenant might let any portion of land for the use of labourers, provided that it did not exceed half-an-

acre in each case, and that the total number of such lettings of portions of a holding did not exceed one for every 25 acres of tillage land contained in the holding. Well, the piece of land in question might mean anything. It might mean the best piece in the whole holding—a piece in the middle of a field, or a piece in an extreme corner of a field, that it might be deemed desirable, in the interest of the holding, to devote to some other purpose. He thought, in such a case, that it was only fair that the landlord should have such a veto as that which he (Mr. Brodrick) proposed in his Amendment. He hoped that the right hon. Gentleman (Mr. W. E. Forster) would not suppose, because he had said a very few words in moving his Amendment, that he attached no importance to it. As a matter of fact, he attached a very great importance to it; and he would point out to the right hon. Gentleman that there were many hon. Members who opposed his clause, not because they objected to it on principle, but because it seemed to them to have a tendency to cut the landlord out from all share in the making of these arrangements for the building of labourers' cottages. The acceptance of this Amendment might remove that opposition; and as he did not think it was the intention of the right hon. Gentleman to shut out the landlords in the way he had described he would offer this Amendment.

Amendment proposed,

In line 4, after the word "land," to insert the words "in a situation to be selected by the landlord, or, in case he shall refuse, by the Court."—(Mr. Brodrick.)

Question proposed, "That those words be there inserted."

SIR ALEXANDER GORDON said, he hoped the Government would be able to assent to this Amendment. It was one that could do no possible harm to the tenant, but which might conciliate the landlord, and tend to make the clause more effective and less objectionable. If a landlord made any difficulty as to the granting of a suitable site, the Court would interfere, and decide the matter for the parties. This Amendment would merely give the landlord a *locus standi*, and enable him to have his interest considered, as well as that of the tenant and the labourer.

*Mr. Villiers Stuart*

MR. W. E. FORSTER: Really, we cannot assent to this Amendment. The landlord has the power to resume the land, and the tenant is not able to say to him—"Do not take out the piece of my holding that I like the best." The Court decides the question, and, no doubt, in this case, if to take the piece of land proposed would be injurious to the landlord, the Court would refuse its sanction to the plan. I do not think we can put in words enabling the landlord to fix the place where the buildings are to be.

SIR WALTER B. BARTELOT was sorry to hear what the right hon. Gentleman said. If an owner was to have any enjoyment at all of his estate, he ought, at any rate, to be able to say where the labourers' cottages should be built. Unless he had this power, cottages might be put into extraordinary positions so as to be absolutely detrimental to the property. Surely, there was nothing in the Amendment that would be detrimental to the tenant, because he would be able to ask the landlord to point out a fit and eligible site for a cottage, and the landlord would be bound to provide that sight, and if he refused, the Court itself would decide the matter. At present, the Government seemed to desire to deprive the landlord of the enjoyment of his property, and to place that enjoyment in a tenant, without giving the former any compensation.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) remarked, that the hon. and gallant Baronet had said that the landlord would be deprived of enjoyment in his property, and had declared that the landlord, when appealed to, would select the proper site. Well, the landlord, at present, would be able to do that, for if he wished any particular site to be selected he had only to go to the Court, which was to give its sanction. If the site was a proper one, it would be allowed; but, the Court being the controlling and arbitrating power between the two, if it was an improper site it would refuse permission. The tenant would not be likely to put a cottage where it would prove injurious to a holding.

MR. BELLINGHAM said, he thought the Amendment was a very reasonable one; and he could assure the Committee that if he believed for a moment it would be injurious to the tenant he

should be one of the very first to oppose it.

VISCOUNT FOLKESTONE said, the words of the clause were these—

"Any person prohibited under this Act from letting or sub-letting a holding may, with the sanction of the Court, and with power for the Court to prescribe such terms as to rent and otherwise as the Court thinks just, let any portion of land, &c."

What he wished to ask was this—Would the Court be able, when a tenant applied to it, to permit him to sub-let a portion of his holding, without giving notice to the landlord, or his agent, as to which part of the holding he wished to make the site of the cottage? It was obvious, as his hon. Friend had said, that a tenant might desire to place a cottage on a spot where it would be very detrimental to the estate, and destroy what, in Scotland, were called the "amenities" of the estate.

MR. W. E. FORSTER: If the landlord and tenant agree, this clause will not come into effect, because there would then be no prohibition against sub-letting. But if they do not agree, the Court will come in, and it will not for a moment entertain the proposal of the tenant without considering why the landlord objected, and deciding upon the merits of that objection.

MR. LALOR said, that hon. Members seemed to talk a great deal about the landlord's property, and appeared to be under the impression that these cottages would be built by the landlord. It would be nothing of the kind. It would be the tenant who would build them. It had been the constant practice for the Irish landlords to prevent sub-letting or building cottages on their land. He knew as a matter of fact, from his own experience, that the landlords had prevented the erection of these cottages, and he was positively convinced if they got the clause amended as they wished they would continue to pursue the same course. They would be constantly trying to prevent the cottages from being built, or else to get them put up in such a way that they would be of no use to the labourers at all.

MR. WARTON said, the clause ought to contain rules for giving notice to landlords. Any lawyer who read the provision would advise tenants that they could go before the Court *ex parte*, and ask for sanction and obtain it. That was

the true construction to be placed upon the clause, notwithstanding the Government made an attempt to throw dust in the eyes of the Committee.

MR. W. H. SMITH said, he failed to find in the clause anything providing means by which a tenant who proposed to build a cottage and the landlord might be brought together for the purpose of entering into an agreement upon the subject. The clause did not require that notice should be given to the landlord, and the result might be that a cottage might be built in a position where it would be injurious to the interests of the landlord as owner of the fee simple. If the landlord and the tenant failed to come to an understanding it would then be proper for the Court to decide.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that in this discussion they seemed to be beating the air and wasting time unnecessarily. The clause referred to those people who were precluded from sub-letting without the consent of the landlord; and if the landlord and tenant agreed the interference of the Court was not required. It was only required in the event of a disagreement. A tenant would go to the Court and say—"I come before you because the landlord will not agree to my erecting a cottage on such and such a site;" and, having ascertained what the difference was, and who were the parties to it, it would have them before it, instead of deciding *ex parte*, as some hon. Members seemed to think it would.

MR. BRODRICK said, the point at issue was this—whether, after the tenant and the landlord had come into Court, the Court should not have power to fix the site on which the cottages should be built. The Chief Secretary said the landlord could resume possession of a part of a holding to build cottages, and that the tenant had then no right to refuse his consent in any way, or to give any idea as to where the cottages were to be built; "And," said the right hon. Gentleman, "let the tenant have fair play—let him be able to do the same thing." The difference between the two was this—the landlord, when he resumed land for the purpose of building cottages, had to pay the tenant for the portion he resumed, and if it was the best piece he would pay the best price for it; but the tenant, when he built a cottage, could

build it on whatever part of the holding he chose without paying compensation.

MR. WARTON said, the Solicitor General for Ireland had invented an imaginary dispute; but that was not at all required by the clause. Under this provision the tenant might come to the Court and say—"I want your sanction to build cottages;" and why, therefore, the Solicitor General for Ireland should invent a dispute that was not necessary to take place he could not for the life of him conceive. If this matter was settled now according to the Government view, he (Mr. Warton) should bring up a proposal on Report.

MR. MACFARLANE said, it seemed to him that a case would never come into Court until the landlord and tenant had failed to agree. Probably the matter in dispute would be the site. When the case came into Court, the Court would say to the landlord—"Why do you object?" and he would reply—"Because I do not think the site is a good one," and then the Court would hear reasons on each side, and would decide according to the best of its judgment. He trusted they would not waste any more time on this matter.

SIR ALEXANDER GORDON said, that if they put in the word "site" it would settle the whole difficulty. The clause would run—

"Any person prohibited under this Act from letting or sub-letting a holding may, with the sanction of the Court, and with power from the Court to prescribe such terms as to site, rent, and otherwise as the Court thinks just, &c."

MR. MACARTNEY said, he thought the Amendment would be much more acceptable if, instead of saying the situation was to be "selected" by the landlord, it stated that the situation should be "sanctioned" by the landlord.

MR. CALLAN said, that according to the past history of Ireland the landlords had thrown every difficulty in the way of building these labourers' cottages. The noble Lord (Viscount Folkestone) had intimated that if the selection of the site for the cottage were left with the tenant the building might be an eyesore. Probably it would be an eyesore to some proprietors; but it would be no greater eyesore than such a cottage as that which had been described by the hon. Member opposite (Mr. Villiers Stuart)—a cottage in which a man and his wife and five children herded toge-

Mr. Warton

ther. In a case of this kind the labourer had been asked from whom he rented his cottage, whether from the landlord or tenant, and his reply was that he got the cabin direct from a noble Lord owner and paid a rent of 18s. per year for it. The noble Lord who got his 18s. a-year for that miserable cottage perhaps did not look upon it as an eye-sore; but he would consider as greatly out of place a decent cottage erected upon a healthful and pleasant site on his estate. No doubt, cottages would be eye-sores to noble Lords when they were built under the sanction of the Court; and it would, no doubt, be very distressing to noble Lords for the labourers to be removed from their oppression and from the operation of their neglect, and for these miserable serfs, the agricultural labourers, to become well-to-do cottiers. If a division was to be taken, let it not be taken upon a crotchet, but let them thoroughly understand that it was taken directly in the interest of the landlord party. The people of Ireland would regard it in that light; and, for his part, he looked upon it as nothing but a declaration of hostility on the part of the Irish landlords against giving this small boon to the Irish labourers. He hoped they would go to a division upon this question, and that the good feeling of the Committee would so overwhelm the landlord party, and that their defeat would be so disastrous, that it would have a lasting moral effect upon them.

MR. W. E. FORSTER: I must say I hope that no division will be taken upon this question; and I do not think that anything that has occurred in the discussion so far should give anyone, whether representing the farmer or the landlord, any right to claim superiority over any individual Member or section of Members. If there is one person, or one set of persons, more likely to suffer than another from any attempt to claim an advantage of this kind, it will be the unfortunate labourer.

VISCOUNT FOLKESTONE said, he need not refer to what had fallen from the hon. Member below him (Mr. Callan), because he could with justice lay claim to this—that hon. Members representing English constituencies were as much interested in the fate of the labourers as any other hon. Members could claim to be. He did not under-

stand, from the right hon. Gentleman on the Front Ministerial Bench, that it was possible or probable the landlord would have any voice in the selection of the sites of the labourers' cottages. He was certainly not a lawyer, but he must say it appeared to him that there was nothing in the clause which would render it necessary for the landlord to have anything to do with the matter. A tenant might, with the sanction of the Court, do whatever he pleased without the slightest reference to the landlord.

Question put.

The Committee *divided*:—Ayes 51; Noes 166: Majority 115.—(Div. List, No. 316.)

THE CHAIRMAN: The hon. Member who moved the last Amendment has another Amendment on the Paper, to add at the end of the clause these words—

"Provided also, that if the landlord is willing and undertakes to provide on the holding the accommodation required for such labourers, and proposed to be provided by such person under the provisions of this section, the landlord shall be entitled, subject to the limitations hereinbefore contained, to resume possession from the tenant of so much of the holding as may, in the opinion of the Court, be necessary, without being required to make any compensation to the tenant."

I observe there is a difference in this proposal to that negatived on the 7th of June; but it is not a very substantial one. Therefore, I think the Amendment cannot be put.

MR. BRODRICK said, there was a very broad distinction between his Amendment and that which had been proposed on the 7th of June. In the other case the tenant proposed to give up the land.

THE CHAIRMAN: I have looked carefully at the Amendments, and I find that they are so substantially the same that this cannot be put.

MR. BRODRICK: I shall bring up the Amendment on Report.

MR. ECROYD said, the clause just passed applied only to the case of cottages to be erected by the tenant, but not to sub-tenants of cottages already existing. He thought the occupiers of cottages already existing, which, in many cases, were of a very inferior description, should, in regard to the privilege of having fair and reasonable rents fixed by the Court, be placed on equal terms



with those who might have the good fortune to occupy the cottages to be built in the future. He would propose an Amendment to add certain words to this effect at the end of the clause.

THE CHAIRMAN said, the hon. Member's Amendment, which had been handed to him in manuscript, and which he had carefully examined, was not consistent with the clause, and, therefore, could not be put.

MR. RAMSAY said, he had an Amendment to propose, providing that the total number of the lettings of portions of holdings should not exceed one for every 50 acres of tillage. It was proposed by the clause that the sub-lettings or allotments should not exceed the proportion of one for every 25 acres of tillage; but that, he contended, was far too high a ratio, and would unduly and improvidently multiply the cottier class, whose poverty had always been the reproach of the country.

Amendment proposed, in line 10, leave out the words "twenty-five," and insert the word "fifty."—(*Mr. Ramsay.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. E. FORSTER: I hope my hon. Friend will not press this Amendment. I would point out that 25 is the limit in the Act of 1870.

MR. RAMSAY said, he was not much influenced by the fact of the limit of 25 having been inserted in the Act of 1870. They had seen no such favourable results from the Act of 1870 as to induce them to proceed on similar lines. The statute had been a failure, and they could not be expected to have any faith in it. However, he would ask leave to withdraw the Amendment.

MR. WARTON said, he did not wish to say a word with regard to the 25 or 50 acres; but he wished to draw the attention of the Attorney General for Ireland to the construction of the clause. The clause, as it now stood, contained no provision whatever as to the number of cottages which there might be at present on a farm. It was just possible that there might be 10 or 12, or even more.

Amendment, by leave, *withdrawn*.

THE CHAIRMAN said, that an hon. Member had presented him with an

*Mr. Forster*

Amendment in manuscript during the division; and he had not been able to say, on first looking at it, whether or not it was in Order. However, he had now discovered, on reference to subsections 5 and 8 of Clause 45, that it was not in Order, and could not be put.

New Clause *agreed to*, and *added to the Bill*.

Amendment proposed, in page 12, after Clause 18, insert the following Clause:—

(Power of Court, on application for the determination of a judicial rent, to impose conditions as to labourers' cottages.)

"Where an application is made to the Court for the determination of a judicial rent in respect of any holding, the Court, if satisfied that there is a necessity for improving any existing cottages or building any new cottages, or assigning to any such cottage an allotment not exceeding half an acre, for the accommodation of the labourers employed on such holding, may, if it thinks fit, in making the order determining such rent, add thereto the terms on which such accommodation for labourers is to be provided by the person making the application.

"Where upon any such application the Court requires the tenant of the holding to improve any existing cottage, or to build any new cottage, such tenant may be deemed to be a person to whom a loan may be made under the Landed Property Improvement (Ireland) Acts for the improvement or building of dwellings for labourers, as if such person were an owner within the meaning of the said Acts; but any such loan may be made for a less sum than the sum of one hundred pounds."—(*Mr. W. E. Forster.*)

New Clause *brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. A. MOORE said, he acknowledged the kindly feeling of the Chief Secretary for Ireland in bringing forward this clause; but he did not think they were doing anything for the labourer—in fact, he was rather afraid that they were doing something against him. Though it went very far in the interest of the labourer, he was quite certain that this clause was not a very practical one, and he was afraid it would operate as a dead letter. He did not know that it was reasonable to desire to compel the great majority of the farmers to build houses for the labourers, or to undertake to borrow State money for that purpose. The farmer himself was so badly housed that it was impossible

to think that the Court would impose this onerous duty upon him of the building of cottages for labourers. At the same time, the farmers were receiving such enormous boons under the Bill that it was quite time for them to make some sacrifice in the interest of the labourers. The tenant might be a new comer, and might have executed no new improvements—one day he might have no interest whatever in the land, and the next day he would be a leaseholder in perpetuity at a fair rent. No greater boon, short of absolutely giving the man the fee-simple of the land, could have been extended to the farmer. Therefore, seeing that the farmer had these privileges given to him, to the detriment of the labourer, was he not to do something for the labourer? He (Mr. A. Moore) should like to see the Court endowed with larger power, and to see it enabled to reserve a portion of the land for the labourers—to be able to say to the tenant—"We will give you the land for a judicial term; you will have fixity of tenure; but we do not pledge ourselves to continue to you the possession of the whole of the farm. We may want part of it at some future time for the labourers, who have as much right to live in their own country as you have." He would propose that, say, a statute acre should be reserved in a farm of £50 valuation. Some provision of this kind should be made, so that, later on, when the land had to be taken for the labourers, the farmer would not be able to claim compensation. So long as they rendered it necessary for compensation to be paid to the tenant where land was resumed in the interest of the labourer, so long would they find nothing effected for the benefit of the labourer in the way of improved habitations. He was afraid that if something like this was not done they would find it almost impossible, without incurring great expense, to carry out their object; and they must remember that expense was really the key to this question. The landlord would not make great sacrifices in this matter, nor would the tenant; and he was afraid that the time would come, unless they were very careful, when there would not be a spot of land in Ireland on which to grow a potato or feed a cow, or build a cottage, for the labourer. He had no wish to stir up feud and hostility between the tenants

and the labourers; he had as much good feeling for the one as for the other, and he thought it would be prejudicial to the interests of the country at large to set them at loggerheads. But he thought this was a case of paramount necessity, and, if this opportunity were allowed to pass without adopting some such proposal as this, he was afraid no opportunity would again present itself for doing anything for the labourer. The position was one of great difficulty and danger.

Mr. CALLAN said, he believed that of all the clauses which had been brought forward none would work more to the advantage of the labourer than that now before the Committee. Without this clause, all the apprehensions of hon. Members might, perhaps, be realized. He did not think that it would be the case, but it might be; but it would be utterly impossible for them to be realized were this clause included in the Bill. It was stated that where an application was made for judicial rent, the Court might impose terms, which were that accommodation should be made for the labourers. They had heard a great deal about giving fixity of tenure to the labourers; but, if that were given, the people would cease to be agricultural labourers, and would really be peasant proprietors. No one expected that a labourer attached to a farm should have durability of tenure approaching to perpetuity of tenure. Labourers should not be weekly or monthly tenants. However, the very fact of giving an allotment of half an acre of land precluded the labourer from being a weekly or monthly tenant, because, when they took into account the question of crops, they would see that where an allotment of half an acre was given they constituted the labourer, for all practical purposes, a yearly tenant. The Court would have power to make orders in this matter, and he supposed the orders they would make as to the tenure of the labourers would be that which prevailed on all well-regulated properties throughout the county be represented, which was that the labourer would establish his right at Candlemas, or the first week in February, and come into possession on the 1st of May, and he would be a bound man—the farmer and the labourer would be bound together for 12 months, except in such a gross case as, whether through breach of

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contract or some other failure on the part of either party, relief was obtained from the binding nature of the contract. If, on the 1st of February, the labourer renewed his bargain, he would re-plant his garden, sow his corn, or his cabbage and potatoes, and was really a yearly tenant. If they made such a contract general, it would exercise a beneficial interest on the labourers. There was one word, in the third line of the second paragraph, that he should like to amend.

**THE CHAIRMAN:** As soon as the clause is read a second time the hon. Member can move Amendments to it.

**MR. CALLAN** said, that, at the proper time, he would move an Amendment; and, with a modification of the kind he would propose, the clause would, no doubt, work beneficially.

**MR. H. THOMSON** said, that, under this clause, no tenant could obtain a judicial rent without running the risk of being compelled to build cottages. The landlord was not to be compelled to build cottages; therefore, he was placed in a different position to the tenant. In England, where cottages were found to be in an unsatisfactory condition, local authorities had power to compel them to be pulled down, and others to be built in their place. He believed, under the provisions of an Act passed during the term of Office of the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross), the local bodies had power to borrow money for the purpose of building these cottages. He believed the Government intended next Session to introduce a measure of local government for Ireland; and he would suggest that they should consider whether it would not be better to intrust these local bodies with the task of seeing that labourers' cottages throughout the country did not remain in an unsanitary condition, and give them power to borrow public money for the purpose of re-building these cottages, rather than to attempt to deal with the subject in the present clause. He had great doubts as to the expediency of this provision, and would far rather that the question should be dealt with next Session.

**MR. BELLINGHAM** said, he accepted the clause on the principle that half a loaf was better than no bread. No doubt the Government would, sooner or

later, have to take up the question of the sanitary condition of the dwellings of the poorer classes in Ireland, and deal with it in a broad and comprehensive manner.

**MR. LALOR** said, he thought it was one of the greatest blots on the whole Bill—the exclusion of cottier labourers in Ireland from its benefits. There were 200,000 holdings valued at under £4 in Ireland; and he was sure that he was not exaggerating when he said that over a-half of that number were occupied by labourers. Well, he could see no reason why these unfortunate people, who were more to be pitied than any class in Ireland, should be made martyrs of, because that would be really the effect of saying that the tenant farmers should be relieved, and that the labourers should not. He did not see why one should not be relieved as well as the other. There certainly was no more over-taxed and over-rented people in the whole of Ireland than these men. It was only reasonable to expect that they should have their holdings at a fair rent. He therefore hoped that, when the Bill passed to another stage, the Government would see their way to removing the exemption that existed against the agricultural labourer, who was at present in possession of land, preventing him from receiving the same benefit from the Bill as the tenant farmer.

**MR. BIGGAR** said, that when he looked at this question of labourers' cottages generally, he found one of the difficulties to be this—that if they made the condition very stringent against the farmers the result would be that the farmers would be very unwilling to build new houses for their labourers. If they offered a strong inducement, no doubt they would be more willing to do it. When the farmer came before the Court to have a judicial rent fixed, he should be compelled, if it were desirable, to accept conditions for the building of labourers' cottages. But the difficulty with regard to this subject seemed to be this—that there was no one to appear before the Court on behalf of the labourers generally. So far as that part of the matter was concerned, very likely either the landlord or the tenant would wish to have money laid out for the purpose of building labourers' cottages. The policy of the landlord had hitherto been to discourage the building of these cottages, because they naturally thought

*Mr. Callan*

that the result ultimately would be that these people, when they became old, would be chargeable on the poor rates, of which they—the landlords—paid a large proportion. The benefit to the labourers would be this. If the Bill, which the Government thought and hoped it would, encouraged the farmer to spend money on improvements, there would be a greater demand for labour, and the labourers would be more independent, and would be able to make arrangements with the farmers on different terms to those which they had made before. Arrangements with regard to rent would be facilitated, and he had been told that a great unpleasantness in this respect had occurred in the past, and that in many cases the tenant farmers had acted in a tyrannical manner. If these waste lands were offered to the industrious labourers, the result would be that the pressure on the labour market would be removed. He did not like to take any decided view as to these clauses, because it was uncertain what their result would be. If they made the law too stringent against the farmer, he would neglect to make improvements; on the other hand, if they were too liberal towards him, it was possible that he would overcharge the labourer.

LORD JOHN MANNERS said, they must remember what the Bill would have been without this clause which it was now proposed to insert in it. He was inclined to accept the provision with gratitude, though it might not be, in every respect, so satisfactory as they could have wished. He should like to ask the right hon. Gentleman (Mr. W. E. Forster) what the process would be by which the labourer would be able to show to the Court that the cottage accommodation he required was not there already? How, he should like to know, was the subject to be brought before the Court?

MR. W. E. FORSTER: We must rely upon those into whose hands we place power. We must trust to the Court to do its duty. It is a very strong clause, and is one which casts on those who make the application for the fixing of a judicial rent the obligation of constructing cottage accommodation, if the Court thinks it necessary. That is a very strong condition, and the Government would not have proposed it if we had not thought it an essential condition. The Committee, I trust, will agree with us that we ought to go as far as this;

but I do not think we ought to be asked to go any further. We may, one of these days, have a measure of County Government, and then, perhaps, we may do something more; but I do not look with great hopefulness upon the bestowal of power for the future on Boards of Guardians, and I think that we must rely mainly on the two parties interested in the cultivation of the land—the landlord and the tenant—probably more on the tenant than on the landlord in the future. We must rely upon their doing their duty. I must say before I sit down—the circumstance is of such rare occurrence—that it is gratifying to find the hon. Member for Cavan (Mr. Biggar) for once in agreement with the Government.

Question put, and *agreed to*.

Amendment proposed, in New Clause, line 6, after the word “terms,” to add the words “for rent and otherwise.”—(Mr. Warton.)

Question proposed, “That those words be there inserted.”

MR. W. E. FORSTER said, he had no objection to the Amendment.

Amendment *agreed to*.

MR. CALLAN said, he was sorry the hon. Member who had just moved these words did not follow the context, and add “as the Court thinks fit.” He would move to strike out the word “may” in the third line of the second paragraph, in order to substitute the word “shall.” No doubt, the Solicitor General for Ireland would tell him that the word “may” was the same as the word “shall,” and under other circumstances he should agree with him; but here he thought it was essential that the language should be made perfectly clear. If the words meant the same, the Government surely would have no objection to make the alteration.

Amendment proposed, in line 11, leave out the word “may,” to insert the word “shall.”—(Mr. Callan.)

Question, “That the word be there inserted,” put, and *agreed to*.

Question proposed, “That the Clause, as amended, stand part of the Bill.”

MR. A. MOORE said, that power was given to the landlords by one of the clauses of the Bill to resume the holding for the purpose of building labourers’

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cottages, and it was provided that the application of the landlord to resume should not be allowed, except subject to the clause relating to the provision for labourers' cottages. Then there was another clause which dealt with the statutory term consequent on the fixing of a judicial rent, and at the end of this clause a peg was introduced on which to hang another clause. He wished to know if the clause they were now discussing was supposed to be the Supplementary Clause which was to be inserted in reference to the case of resumption by the landlord?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the only case in which the landlord could resume was upon requiring the land for the purposes of erecting labourers' cottages, and after compensating the tenant for his rights. This clause had reference to a different object altogether, and it was to provide that where an application was made for a judicial rent the Court might impose upon the tenant terms as to the erection of labourers' cottages.

MR. A. MOORE said, the clause would never come into operation, because the Court would never of its own motion inquire into the matter. It was just as likely that the Court would stop to inquire how many cows the tenant had. He did not see what was to bring the clause into operation. Certainly the poor labourer could not, because he could not afford the expense of an application to the Court, and he did not suppose that the landlord would, because he could have no personal wish to put up another house upon his land.

Question put, and *agreed to*; Clause added to the Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, after Clause 42, to insert the following new Clause:—

(Service of civil bill processes and limitation of costs.)

"The making of rules and orders prescribing and regulating the mode of service of civil bill processes in ejectment, and for recovery of rent, is hereby declared to be within the provisions of the seventy-ninth section of 'The County Officers and Courts (Ireland) Act, 1877,' and notwithstanding any other enactment, the service of such processes in the manner prescribed by such rules or orders shall be valid and sufficient. Whenever an action for the recovery of land, whether for non-payment of rent or for overholding, is brought in the High Court of Justice in Ireland, in any case in which the plain-

tiff in such action could have sued for the recovery of such land in a Civil Bill Court, the plaintiff in such action shall not be entitled to any costs, unless the Judge before whom such action is tried, or the divisional Court to which such action is attached, shall by order declare the said plaintiff entitled to costs."

He wished to explain that there had been a difference of opinion among the County Court Judges as to the mode of serving civil bill processes in ejectments and for recovery of rent. They had been unable to agree among themselves, and the practice had not hitherto been regulated on any uniform principle, and the only object of the present clause was to remove what was merely an accidental obstacle to the working of the existing law. It had been intended that the County Court Judges should make rules on this subject under the clause referred to; but they entertained doubts as to ejectments being within its provisions. These doubts, therefore, it was proposed to remove by a declaratory enactment. The clause also provided that in actions brought for the recovery of land, whether for non-payment of rent or for over-holding, in the High Court of Justice in Ireland, in any case in which the plaintiff could have sued for the recovery of such land in the Civil Bill Court, the plaintiff should not be entitled to costs, unless the Judge who tried the action, or the Divisional Court to which the action was attached, declared that the plaintiff was entitled to costs. This provision was founded on the analogy of similar enactments both in England and Ireland. It was confined, however, in the case of ejectments, because provision was already made that where an action was brought in a Superior Court for a sum under £20 the plaintiff should be deprived of his costs if he went into such Superior Court needlessly. All, therefore, that was now required was to provide for the case of ejectment for the recovery of land owing to the non-payment of rent.

New Clause (*Mr. Attorney General for Ireland*) brought up, and read a first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. ERRINGTON said, he agreed with the right hon. and learned Gentleman that there was a very fair excuse for the introduction of this clause. It was, undoubtedly, the desire of the landlords that they should be deprived of the

*Mr. A. Moore*

power of making an unfair use of the Court against a tenant, and they were quite ready to have the practice of the Superior Courts adopted in every case. He believed that cases had been of frequent occurrence where the landlord had proceeded in the Superior Court against the tenant, and where the landlord had recovered costs. He apprehended that the tenant would be liable for the costs of a Superior Court, where the action could be initiated in a Superior Court; but if the case did not come to judgment the question of costs would not arise, and the tenant would have no remedy. If that were so, he hoped there would be no difficulty in adding a second clause to the Bill in order to meet the case.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) thought the apprehensions of his hon. Friend were not well founded. If the case did not go to judgment there would be no costs at all to be paid by the tenant.

MR. HEALY said, he regretted the course which the right hon. and learned Gentleman the Attorney General for Ireland had taken in the matter, and was sorry that it was considered necessary to insert such a clause. He should certainly like to get an assurance from the Government as to what they intended to do in the event of the Lords materially altering the clause in "another place." He wished to know whether, if the Lords threw out any material part of it, Her Majesty's Government, when it came back from the Lords, would adhere to the measure as it now stood? He should object to the second reading, and should take a division against it, unless he obtained a satisfactory assurance from the Government upon the question he had asked. They had the experience of last year before them, when the House of Lords threw out the Limitation of Costs Bill, and also a very important measure relating to compensation for disturbance. He, therefore, wanted to know if the Government would adhere to the second portion of the clause in the event of any part of it being rejected by the House of Lords?

MR. GLADSTONE: Her Majesty's Government are very earnestly working and doing everything in their power to secure the Bill becoming law, and to secure its acceptance by the House of Lords. The hon. Member asks me what we propose to do in the alternative of a

refusal. We hope that the Bill is not likely to miscarry. The hon. Gentleman asks us what we shall do in the event of its miscarrying. I think the hon. Member ought to be satisfied with that assurance. I think he will see that it would be most inconvenient to attempt to forecast a question which may indirectly be mixed up with many other questions. I hope the contingency which the hon. Gentleman has shadowed forth is not likely to arise. The Government will certainly do their very best to avoid it, and to give full effect to the provisions of the Bill.

MR. ERRINGTON said, the House of Lords had much more excuse for the course they took last year than they would have in taking a similar course now. He did not think any great apprehension need be entertained as to the action of the House of Lords.

MR. LEAMY wished to put a question to the right hon. and learned Gentleman the Attorney General for Ireland. As the clause stood, it provided that where a landlord went into the Superior Courts, and could have gone into a Civil Bill Court, he should not, in the case of obtaining a verdict, be entitled to his costs. Now, where the landlord complained that a tenant was guilty of a breach of statutory conditions, he could proceed in a Superior Court quite independent of the Land Commission; and, if not, where was the Land Commission to come in? There was a general impression that the Land Commission were to be the parties to settle all questions between landlord and tenant, whether relating to statutory rents or otherwise. He wished, therefore, to know whether a landlord would be entitled to go into a Superior Court to sue out his action there against the tenant for non-payment of rent and get rid of him; and, if so, would the tenant have any right to apply to the Land Commission?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, that the landlord could go to a Superior Court in place of going to the County Court, either for non-payment of rent or for a breach of statutory conditions.

MR. LEAMY said, he was aware of that; but he wanted to know whether the landlord could bring the tenant into a Superior Court and have the case decided by the Superior Court, without the tenant being entitled to apply for the jurisdiction of the Land Commission?

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THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he must have misunderstood the question. The jurisdiction of the Land Commission on all questions of dispute between the landlord and tenant could not be ousted for the jurisdiction of the Superior Courts; but where an action of ejectment for breach of statutory condition was brought in a Superior Court, that Court also would have jurisdiction to stay the proceedings on payment of damages.

*Motion agreed to*; Clause read a second time.

MR. PARNELL, in moving the omission of the first portion of the clause from the word "the" in line 1, down to the word "sufficient" in line 6, at the end of the first paragraph, said, the Amendment, if adopted, would have the effect of leaving out all that portion of the clause which proposed to amend the County Officers and Courts (Ireland) Act of 1877. He was sorry that the Government had acceded to the suggestion made from the Front Opposition Bench the other night, and had gone into the question of amending that Act. He was perfectly willing that, as far as judicial rents went, the procedure should be regulated by the Commission, and that it should be as simple as possible; but in cases where the tenant and the landlord had not gone into Court, and no judicial rent had been fixed, and no statutory term entered into, he thought the tenant and the landlord should be left to seek a remedy under the old law as it stood before the introduction of the Bill. It was clearly not contemplated, when the Bill was introduced, to amend the law in respect of the service of processes. The provision made in the 42nd clause, in sub-section G, did not contemplate anything except giving power to the Commission to amend the rules of procedure in cases where judicial rents were fixed. Consequently, that provision was clearly an after-thought—foreign to the scope and general purpose of the Bill, and it was simply thought necessary to adopt it, because some difficulty had arisen in some parts of Ireland with reference to the serving of processes. He submitted that when they looked into the whole history of the Land Question, and when they saw that up to 1870 statute after statute was enacted by Parliament for the purpose of placing the tenant in a worse position to retain his holding, and

to place the landlord in a better position to dispossess the tenant from the holding, he thought they ought to be exceedingly cautious before they applied fresh statutory facilities for the purpose of upsetting the old Common Law arrangements which existed between the landlord and tenant in Ireland, and still subsisted in England, and facilities which did not exist anywhere else for the getting rid of a tenant. The state of the law with regard to yearly tenancies rendered it exceedingly difficult for the landlord to dispossess his tenant. The only case in which it was possible for a landlord to eject a tenant by summary process was for the non-payment of rent. Nearly all the tenants in Ireland were tenants from year to year, and it was found so exceedingly difficult for the landlords to get rid of them with sufficient celerity that a series of statutes had been passed by the Legislature for the purpose of upsetting ejectments for non-payment of rent; and the state of laws that had no existence whatever, either in practice or in the Statute Book, relating to England, had been enacted for the special benefit of the Irish landlord, and the special disadvantage of the Irish tenant. Those statutes did away with the old Common Law protection the Irish tenant had enjoyed from time immemorial, and they enabled the landlord to bring ejectments against his yearly tenants for non-payment of rent. The provision which was sought to be introduced into the clause was intended to give another facility to the landlord in that direction, and it was certainly one which ought to excite a very strong protest from the Irish Members. It was a matter which he could assert the Government did not contemplate when they introduced the Bill, and they only consented to insert it at the instance of the Front Opposition Bench. In point of fact, there was a bribe held out to the Irish Members in the first part of the clause, but it amounted to nothing, because, in all probability, the Lords would throw it out. They threw out the Limitation of Costs Bill last year, and the consequence would be that the House of Commons would have the Bill coming back with the clause intact so far as it related to the part he objected to, but with the beneficial part of the clause struck out. Then, of course, they would be told that it was not desirable to sacrifice the Bill by insisting upon the

whole of the clause as it stood originally. Therefore, this was entirely an illusory inducement which the Government held out in order to get the House to give these extraordinary facilities for serving processes in Ireland. He thought the Government were not treating the Irish Members and the Irish tenants fairly, in stepping aside from their course and stumbling into an alteration of the Bill which converted the measure into a Bill for amending the County Court Act of 1877, rather than a Bill for amending the laws relating to land tenure in Ireland.

Amendment proposed, to leave out from the word "the," in line 1 of the proposed Clause, to the word "sufficient" in line 6.—(*Mr. Parnell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (*Mr. Law*) said, he hoped the hon. Member would not persist with his Amendment. The present condition of things was not only anomalous and inconvenient, but it was discreditable to our institutions, and was opposed to the good of the country. The hon. Member for Cork City (*Mr. Parnell*), the other night, on the first discussion which took place on this matter, pointed to what was said and done by the House when the Act of 1877 was passed. Attempts were then made to regulate these details, and when the question was about to be discussed, it was very properly pointed out that all matters of practice might be omitted and left over for the Judges to settle by rules. The clause referred to was, accordingly, intended for this very purpose, and his (the Attorney General for Ireland's) opinion was that it accomplished that object. That, too, was the opinion of his right hon. and learned Friend opposite, who had charge of the Bill of 1877. Her Majesty's Government thought the question was settled, and so did the hon. Member for Cork, but the County Court Judges differed upon the matter; and as it was always meant that the power should exist, this clause was proposed in order to give it. By the Landlord and Tenant Act of 1860, power was given to the Inferior Courts as well as to the Superior Courts to deal with the service of ejectment processes; but, owing to some

obscurity of expression, the County Court Judges in this case also held different opinions. The provision was that ejectments for non-payment of rent should take place in a particular way, or in such other ways as might appear to the Judges to be sufficient. That left the whole question open to the Courts to determine what should be sufficient; and most of the County Court Judges, and some of the Superior Court Judges, held that this only applied to the Superior Judges, and not to the Judges of the Inferior Courts. The result was that an absurd anomaly and inconvenience in practice had arisen, and it was therefore desirable that the County Court Judges should meet under the Rules Clause of the Act of 1877, and settle what the practice should be in future. When this Bill passed, every man in Ireland would be able to get a judicial declaration of a fair rent, and if he did not get one, it would be because he did not want it. He confessed that he had not heard any answer to the argument advanced by his right hon. and learned Friend the other night which showed to demonstration that, without this clause, they left the good landlord without any opportunity of recovering his claims, whereas the rack-renting landlord, if dragged into Court to have his exorbitant rents reduced, would have all the advantage. He had felt that this state of things should not remain longer than was necessary a blot upon the Statute Book; and having brought every tenant within the scope of the Bill, so that he might have a fair rent fixed if he desired it, it was only just to make provision for the due service of process upon him where he declined to pay his rent. All the tenants said they were willing to pay the rent if the rent was fair. Every tenant would, in the course of a short time, have a fair rent, either because he went before the Court, or else because he considered the rent to be a fair one as it stood at present. This clause was to enable landlords to serve civil bill processes when necessary upon their tenants, to enforce payment of their rents. The whole object of process was to bring the claim to the knowledge of the defendant; and he certainly failed to see why, in serving these processes, they should be compelled to have recourse, as at present, to the assistance of armed forces. He hoped, under these circum-

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stances, that the Committee would accept the clause as it stood. Of course, as the Prime Minister told them, the Government were anxious that this clause, as well as the whole Bill, should be carried in "another place." It was impossible to say whether any part of the clause, or any part of the Bill, might not be struck out in "another place." All they could hope was that such a step would not be taken. He did not think there was the smallest likelihood of one part of the clause being struck out, and another part which was favourable to the landlords being kept in. All he could say was that the clause, as it stood, removed an absurd obstacle in the way of the serving of civil bill processes which was never intended to be placed in their way.

MR. HEALY asked what was the procedure by the County Courts of England upon the same matter?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the rules framed under the English County Court Act made admirable provision for the service of all process. If personal service could not be had, service on a member of the family at the house was sufficient; and if the person to be served was absenting himself, service at the nearest place was sufficient. A series of rules, in short, had been laid down giving the largest possible facilities, so that there should in every case be an effective service.

MR. PARNELL said, he believed that the rules under the English County Courts Act were inserted in the Act itself.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): Pardon me, they were rules made by the County Court Judges under similar powers to those we now propose to confer upon the Irish County Court Judges.

MR. HEALY said, it was the genesis of the thing that was objectionable to the Irish Members. The history of the clause was one of the most curious histories in connection with the Bill. As the clause originally stood, its meaning had been rendered so dubious, either by the draftsman, or by some error, that it gave these remarkable powers to the Land Commission—

"The Land Commission shall circulate forms of application, and directions as to the mode in which applications are to be made under this

Act; and may from time to time make, and when made may rescind, amend, or add to rules with respect to such circulation, and to the following matters, or any of them."

One of these matters was "the mode of service of civil bill processes in ejectments and for the recovery of rent." All the previous sections, A, B, C, D, E, and F, contained the words, at the end of each, "under the provisions of this Act," but when they came to section G, there was nothing whatever about the purposes of the Act; accordingly, he had moved to repair this omission, and the proposal was accepted by the Treasury Bench. Everybody knew that this process-serving had been one of the chief sources of trouble in Ireland; and would they permit the people to be buckshotted hereafter simply because they would not stick up for this clause? The Government, in the first instance, accepted his Amendment, and actually put up the Chief Secretary, the Solicitor General for Ireland, and the Attorney General for England to support it. After having put up those three great Officers of the Crown they were met by a fusillade from the Front Opposition Bench, calling upon them to repeal the existing law and to make provision for the more effectual serving of writs and processes. It was getting late in the morning when the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) moved to report Progress. When the Irish Members moved to report Progress, there were generally not more than 20 or 30 Members behind them, so that it was very easy to exhaust them. It was different when a right hon. Gentleman rose to report Progress from the Front Opposition Bench. He generally had a good round number of supporters behind him; and therefore, in the particular case he was now referring to, the right hon. Gentleman the Chief Secretary, having had this declaration of war, at once gave up the ghost of a struggle. If the Government had been straightforward in the matter, he ventured to say that the clause would not have been heard of. There seemed to him to be a good deal of huckstering about it. It was altogether an *arriere pensée*, and if it had been suggested from those, the Home Rule Benches, it never would have been adopted. It was an exceedingly clever suggestion, made in an exceedingly

*The Attorney General for Ireland*

clever manner, by an exceedingly clever Member—the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). Her Majesty's Government sprang forward to receive it at once and accepted the sop to Cerberus. It might be desirable to have a fair rent in Ireland without being equally desirable to facilitate the speedy service of ejectments. That was not the question they had to consider. The Bill was not introduced with that object, and was never intended to meet that case. It was not until the right hon. and learned Member for the University of Dublin made the suggestion that the Government dreamt of making the Bill a vehicle for facilitating the serving of processes. He therefore thought the objections of the Irish Members to this proposal were most valid and legitimate. Of course, they knew the difficulties the Government had to contend with in the matter; but in opposing this addition to the provisions of the Bill they were altogether within their rights, and they were justified in making the strongest protest in their power against the course of action which the Government had pursued. It was not a kind of action that became a great Government; and the proposal to limit the bill of costs, in order that the Committee might be induced to swallow more speedy process-serving, savoured more of huckstering and bargaining than the desire to attain a really great object.

MR. WARTON thought that really, after all, the question was not what the hon. Member for Wexford (Mr. Healy) called the genesis of this clause, but the exodus of the Bill from the House. He looked upon the clause as representing a fair bargain; and he did not think that any honourable man, whether Liberal or Conservative, would wish to run away from a fair bargain after it had once been come to. He thought that nothing could exceed the fair and handsome manner in which the right hon. and learned Attorney General for Ireland had met the arguments on that side of the House.

*Amendment negatived.*

Motion made, and Question proposed, "That the Clause be added to the Bill."

MR. LEAMY said, he understood that the rules in regard to serving processes

for ejectment under the County Court Act in England were the same as were proposed in this case.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I said they were made by the County Court Judges, and that the English County Court Act contains powers similar to those which we propose to give in this clause.

Question put, and *agreed to*.

MR. W. E. FORSTER moved, after Clause 42, to insert the following clause:—

(Annual report by Land Commission.)

"The Land Commission shall once in every year, after the year one thousand eight hundred and eighty one, make a report to the Lord Lieutenant as to their proceedings under this Act, and every such report shall be presented to Parliament."

New Clause,—(Mr. W. E. Forster.)—*brought up*, and read a first time.

Motion made, and Question, "That the Clause be read a second time," put, and *agreed to*.

Motion made, and Question proposed, "That the Clause be added to the Bill."—(Mr. W. E. Forster.)

MR. MITCHELL HENRY said, that of course a Report of the proceedings of the Commission would be very interesting; but he thought that as it might be necessary to delay it until a late period of the year, Parliament ought to have an *ad interim* Report of what had been done during the Session. The Commission would get to work at once, and Parliament ought to be informed of the preliminary steps that were taken. He thought it might, if it went vigorously to work, make some progress between this Session and the middle of next. As the clause now stood, it gave a rather long interval, when it said that the Commission was to report in every Session after 1881. He knew very well what Commissions were, and how their Reports were sent in. There had been plenty of experience in reference to Irish Commissions. Their Reports rarely came in until July or the beginning of August, when Parliament was on the point of proroguing, and nothing was really known of their proceedings until the beginning of the following Session. He should prefer that the right hon. Gentleman should mention a particular month in which

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the Reports should be presented, so that there might be a definite time fixed for the presentation of the Report before the end of the financial year. So far as the first Report of the Commission was concerned, it should be presented in June next, and it would then be seen what had been done after the financial year until the time the Report was presented.

MR. W. E. FORSTER: I hardly think it would be desirable to call on the Commission to make a Report before a year has passed. It must be presented next year and once a-year afterwards. It would almost be absurd to require the Commission to make a Report between the present time and the end of the financial year. The time is much too short.

SIR JOHN HOLKER remarked that, if he rightly understood the clause proposed by the right hon. Gentleman, the Report need not, and would not, be presented to Parliament until the year 1883.

MR. W. E. FORSTER: The hon. and learned Gentleman is under a misapprehension. The first Report will be made next year.

SIR JOHN HOLKER said, if that was the intention of the Government it would be necessary to make some alteration in the clause. The clause said—

“The Land Commission shall once in every year after the year 1881 make a report to the Lord Lieutenant, and every such report shall be presented to Parliament.”

Consequently, no Report could be made this year, and it might be delayed until the end of the year 1882.

MR. LEAMY expressed a hope that the right hon. Gentleman the Chief Secretary for Ireland would so amend the clause as to require the Report to be presented to Parliament in the year in which it was made. If the first Report was not issued until December, 1882, it was quite evident that it could not be discussed by Parliament until 1883.

MR. W. E. FORSTER: That raises the question whether it would be desirable to have a Report presented during the first few months of the working of the Commission. I cannot think that it would be. The real question is this—is the Report which is to be presented next year to the Lord Lieutenant to be issued so early that it can be presented to Parliament in the same year? Is it

necessary that the Commission should be asked to comply with such an instruction? I hardly think it is.

MR. HEALY said, he thought, on the contrary, that it was most desirable to have the first Report presented to Parliament next year, because it would cover what would probably be the most interesting months in the entire life of the Commission. There would be great anxiety on the part of Members of the House to see how the Commission was working. He did not understand that there was any difference between hon. Members and Her Majesty's Government. It was a matter on which he was sure the Government desired to meet the wishes of Members of the House, and he put it to the Government that the matter was one to which everybody would be looking forward with such intense anxiety that it was most desirable the Commissioners should furnish a Report even if it were incomplete.

MR. JOHN BRIGHT: I suppose that nobody can want to conceal anything; but it is obvious that the Act, when passed, cannot come into operation, or anything be done, by it or under it, this year. Three months after the Bill has become law will bring us to the end of the year, and in those three months it is quite clear that nothing can occur upon which it would be desirable that we should have a Report from the Court. No great number of purchases or sales of farms, or any of the things that will come under the Bill, can be effected in that time, and in none of these cases can we expect to have a Report. We then come to next Session at the beginning of next year, when the Act will gradually be coming into operation. Surely it will not be necessary to occupy the time of the Commission two or three times a-year in making special Reports to Parliament. I cannot understand the extraordinary anxiety and jealousy manifested by hon. Members in regard to the character of the acts of the Commission. By the end of next year, in time for discussion in 1883, the Commission will be able to make a Report of their proceedings for a complete year, and I am sure that a Report for a year will be of much more use than any Report for three or six months can be. My right hon. Friend at the head of the Government spoke strongly upon the point when the matter

*Mr. Mitchell Henry*

was before the Committee a few nights ago. There can be no desire to conceal anything, and we only propose to do what Parliament always does in regard to Commissions of this kind. Therefore, I hope that the hon. Member for the County of Galway (Mr. Mitchell Henry) will not interfere with the clause, seeing that no advantage can be gained. The Government are certainly of opinion that a Report for three or four months would be absolutely of no use either to Parliament or the public.

MR. MITCHELL HENRY said, he hoped the right hon. Gentleman would excuse him if he said that it was a matter of much more importance than had been pointed out. It was not a period of three or four months that was involved; but, in point of fact, it was a period of nine or 10 months, and he would ask the right hon. Gentleman in charge of the Bill if he would agree to this—that the Land Commission should, not later than June next and in every subsequent year, at such times as the Lord Lieutenant should direct, present a Report to the Lord Lieutenant, and that every such Report should be presented to Parliament. That would provide that in June next—a period of nine or 10 months—Parliament would receive an *ad interim* Report. And what would that *ad interim* Report tell them? It would, at any rate, tell them what the rules of proceeding were, and would give a list of the Assistant Commissioners, surveyors, and other officers. Of course, it would not be a Report on the nature of the work, but it would show what steps had been taken to get the Commission into harness, and he desired that no encouragement should be given to laxity by the wording of the Act. Perhaps it was not desirable, at the present moment, that they should fix the exact month in which the annual Report of the Commission should be presented, because the right hon. Gentleman at the head of the Government had said he did not know whether the Report of the Commission ought to be presented in the financial year or in the natural year. But surely there could be no objection for Parliament and the country to know what had been done between this and June next. All he asked was that they should provide that in June next the first Report should be presented, and at such times subsequently as might be directed by

the Lord Lieutenant. It would be necessary, however, to call upon the Lord Lieutenant to specify the particular month. He had no wish to say anything invidious; but he had had some experience of Irish Commissions—and he had no doubt the same was the case with English and Scotch Commissions—and he knew that the Reports from the Irish Departments were presented precisely at the time of the year when they were of the least use—namely, when the Session was about to terminate. What he wanted in this case was an *ad interim* Report in the month of June next, and then a Report regularly every year at a fixed date.

MR. W. E. FORSTER: My hon. Friend says that all the Irish Commissions present their Reports very late. That was not the objection that was urged against the last great Irish Commission—the Bessborough Commission. The complaint in that case was that the Commission was too rapid in its work, and that it presented its Report too early. As regards what my hon. Friend says about the Reports of this Commission coming in at the close of the Session that is not intended nor expected. It is proposed that the Commission should report at the beginning of the year, and if his suggestion were adopted it would not come in until the close of the Session. The only question is this—will it be wise to call on the Commission to furnish a Report which must necessarily be incomplete? My hon. Friend says that a Report ought to be furnished, giving the names of the Assistant Commissioners. I thought it was understood that the names and qualifications of the Assistant Commissioners should be laid before Parliament at the very beginning of the Session.

MR. MITCHELL HENRY said, he could not imagine what objection there could be to his proposition. It was an extraordinary thing that the Government should not want a Report of the very earliest period that was practicable of the practical work done. Was anybody prepared to say that Parliament ought now to appoint a Commission of this kind, and that, in the course of 10 months, it would have done nothing upon which it was desirable the country should receive information? Probably the question had been suddenly sprung upon right hon. Gentlemen on the Front

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Bench. He had not the slightest wish to interfere with the desire of the Prime Minister to defer, for the present, the fixing of the exact time for the presentation of the ordinary Report; but nobody would be satisfied if the country was to be kept in ignorance of what the Commission was going to do, and how it intended to set about it. There ought to be a first Report during the next Session of Parliament, in order to show whether the Commission was to be a reality or not. The right hon. Gentleman the Chief Secretary seemed to think that his (Mr. Mitchell Henry's) proposition was made in order to disparage the Commission. He had no wish to disparage it in the slightest degree. On the contrary, he thought it was a very good Commission; but the greatest slur that could be thrown upon it was being cast by the Front Bench at this moment, in asserting that the Commission would have done nothing worth showing to the public in the course of the next 10 months. [Mr. W. E. FORSTER: I said nothing of the kind.] He certainly understood his right hon. Friend to say that the Commission was not likely to have done anything worth showing in the course of the next 10 months. He thought the Commission ought to be got into operation and full working order without delay, so that it might strike the popular imagination at once. It should be very different from an ordinary Commission, and very different from the Fishery Commissions, in regard to which it really did not matter whether they reported a month or two earlier or a month or two later. The Act constituting the present Commission was a great measure to meet the wants of the whole Irish people, and it was absurd to tell the country it was not necessary that they should know what was being done for a year or so. The Commission ought to be got into work at once, and within two or three months it ought to be thoroughly in harness; sales ought to be negotiated, and the terms of purchase settled, and the Commission ought to have a considerable amount of interesting matter to tell Parliament and the country by the middle of next Session. He did not make this proposal from any factious motives; but he made it because he believed that unless Parliament insisted on having a Report during next Session, at such a period as would give the House

*Mr. Mitchell Henry*

of Commons an opportunity of commenting upon the proceedings of the Commission, the result would be unsatisfactory, and even disastrous.

MR. W. E. FORSTER: My right hon. and learned Friend will certainly consider the matter before we come to the Report. That would really be necessary, because the Amendment now suggested cannot be made.

SIR ALEXANDER GORDON said, he thought that provision must be made for concluding all the appointments before the end of the year. Therefore a Report might, at any rate, be presented, giving the names of the Assistant Commissioners.

MR. PARNELL said, he hoped that between the present time and the Report the right hon. Gentleman the Chief Secretary would consider whether it was not desirable to ask the Commissioners to furnish Parliament with an annual Return of the tenancies, in respect of which an application had been made to fix judicial rents, showing the amount of the old rent, the amount of the new rent fixed, and the Poor Law valuation. Such a Return would furnish Parliament with a considerable amount of most valuable information as to the working of the Commission and so forth. He was afraid that it was not a matter which the Commission would undertake of its own accord, because, of course, it would take a good deal of time and trouble to draw up such a statement. It would, nevertheless, be an exceedingly interesting statement for Parliament to have as the result of the working of the Commission.

MR. LAING would ask his right hon. Friend the Chief Secretary to consider whether it was not desirable to provide some means for bringing the conduct of the Commissioners and their decisions under the notice of Parliament if impugned. Misconceptions might prevail which it would be most desirable to clear up.

MR. BIGGAR said, the right hon. Gentleman the Chancellor of the Duchy of Lancaster seemed to think that the provisions of the Bill and the mode in which they were carried into operation were of very slight importance, and not calculated to interest, in the smallest degree, even Irish Members of Parliament or the Irish people. Now, it seemed to him that before next January

several questions of great interest and importance would come under the cognizance of the new Land Commission, which it would be desirable for the public to know. For instance, it would be desirable to know to what extent applications had been made to the Court to fix judicial rents; also, what arrangements were made with tenants who wished to get rid of their holdings, and various other questions upon which the Commission, by that time, would be able to form an opinion. Many questions of procedure would be settled by the beginning of the year; and it would, therefore, be perfectly competent for the Commission to present a Report even as early as next January. Although, of course, they would not be able to go into any lengthened details, they might be able, at least, to give the number of applications made to them, and to form an opinion as to the extent to which the present tenant farmers considered themselves oppressed, and what remedy they were likely to get under the Bill. He thought the few months from the time the Bill passed into law until the 1st of January would afford more valuable information than any similar number of months that were likely to succeed. He presumed that the Government desired to allay agitation, and to satisfy the minds of the tenant farmers of Ireland; and they would be much more likely to do so by showing what had been done, and what was likely to be done, than by keeping matters entirely in the dark. If there was any delay in issuing the first Report of the Commission, one of the most important objects of the Bill would be entirely lost.

MR. HEALY said, that one remark which had fallen from the right hon. Gentleman the Chancellor of the Duchy, and which he (Mr. Healy) had taken down in shorthand at the time, was a most extraordinary one. It was that nothing could be done by the Commission this year. If that was true, it was very strange that the Chief Secretary for Ireland should propose, as he did, to limit his Arrears Clause to the 31st of December in the present year. Notwithstanding that fact, the Chancellor of the Duchy said that nothing could be done this year. If that were so—he did not intend to discuss the Arrears Clause now—it would certainly be desirable to extend that clause. He believed that

another clause had been inserted in the Bill which was only to have effect three months after the formation of the Commission. Of course, they knew the Bill would not pass before the 1st of September, and it would be necessary to meet several times to discuss preliminary matters, so that it would not be until October that it could be got into full working order. Perhaps, under these circumstances, it would be desirable to extend the Arrears Clause.

MR. W. E. FORSTER: I am not prepared to admit the assertion that the Bill will not become law until the 1st of September. I hope that it will; and I do not think that it will require much further prolonged discussion. Of course, the arrears question must be decided before next Session, whatever may be done in regard to fixing judicial rents. That question must be disposed of before the time mentioned by the hon. Member for Galway (Mr. Mitchell Henry), and information may be given upon it to the House. I shall be happy to consider all the suggestions which have been made before the Report.

Question put, and *agreed to*.

MR. W. E. FORSTER: I have now to move the following clause, which makes provision for dealing with arrears of rent:—

(Where it appears to the Court, on the joint application of the landlord and tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at a sum not exceeding thirty pounds a year—

That the tenant has paid the whole (or such sum as the landlord may be willing to accept as the equivalent of the whole) of the rent payable in respect of the year of the tenancy expiring on the gale day next before the passing of this Act, and that antecedent arrears are due, the Land Commission may make, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the Court shall by order declare the holding to be charged with the repayment of the advance to the Land Commission, by a rent charge payable half-yearly during the fifteen years from the date specified in the order, and calculated at the rate of eight pounds ten shillings a year for every hundred pounds of the advance.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding except quit-rent and Crown rent and sums payable to the Commissioners of Public Works or the Commissioners of Church Temporalities in Ireland, and the landlord for the time being of the holding shall pay to the

Land Commission the sum for the time being due on account of such rent-charge.

Every half-yearly amount of such rent charge shall be deemed to be an addition to the half-year's rent of the holding (whether a judicial rent or otherwise) due from the tenant to the landlord, and may be recovered by the landlord accordingly.

On the order of the Court being made as aforesaid in relation to any holding, all arrears of rent due in respect of that holding on or prior to the gale day next before the passing of this Act shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant during the twelve months immediately preceding the passing of this Act shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for the then current year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord, the advance made by the Land Commission under this section shall be rateably distributed by the Court amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the thirty-first day of December one thousand eight hundred and eighty-one.

The Land Commission may make advances for the purpose of this section out of any moneys for the time being in their hands for the purposes of this Act.

The Land Commission shall at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rent-charges payable to them under this section as they have failed to recover at the expiration of the said period (in this section referred to as payments in arrear), and the Commissioners of Church Temporalities in Ireland shall, out of any moneys at their disposal pay to the Land Commission any sums appearing from such account to be due to the Land Commission. Any such payment by the Commissioners of Church Temporalities in Ireland shall not discharge any person indebted to the Land Commission in respect of any payments in arrear, and it shall be the duty of the Land Commission to take any proceedings they may be advised for the recovery of payments in arrear, and to repay to the Commissioners of Church Temporalities in Ireland any sums so recovered.)

I do not think it is necessary that I should detain the Committee by explaining this clause, because on a previous occasion I was allowed to enter fully into it. There is, however, an addition to it in reference to the security of the Church funds.

New Clause,—(*Mr. W. E. Forster*,)—*brought up*, and read a first time.

Motion made, and Question proposed.  
“That the Clause be now read a second time.”

*Mr. W. E. Forster*

*Mr. T. P. O'CONNOR* said, he did not know what course his hon. Friends were going to take in regard to the details of this clause; but he would venture to lay before the Committee a few observations on the general principle involved in the clause itself. In the first place, he wished it to be distinctly understood that the course the right hon. Gentleman had taken with regard to the arrears of rent due by the Irish tenants was not a course which had no precedent in regard to the dealings of the State with the Irish landlords. In fact, the records of Parliament afforded, on more than one occasion, a remarkable example of the willingness—the more than willingness—the almost generous eagerness which the State had manifested in going to the relief of distressed Irish landlords. Allusion had already been made by the hon. Member for Kirkcaldy (*Sir George Campbell*) to the Bill to relieve the Irish landlords from certain loans formerly advanced out of the Consolidated Fund, and to that Bill a Schedule was annexed of a very interesting character which recalled to the minds of many persons one of the stormiest phases of Irish history. In that Schedule a Return was given of two large amounts of money which were advanced by the State to a certain portion of the Irish people. One of these advances was a sum of £279,451 2s. 7d., for the purpose of enabling the authorities in the local districts in Ireland to carry out the provisions of the Irish Tithe Commutation Act. The money was advanced for the purpose of relieving the Irish landlords and the clergy of the Irish Established Church; and he found that of the sum of £279,000 advanced, only £51,724 had ever been repaid, and that £227,276 remained unpaid to the Treasury to this day. It was now proposed that it never should be repaid; but that it should be entirely forgiven by the State. He now came to the second case, which was a still more remarkable one—he referred to the Act 3 & 4 *Will. IV.* c. 100. By that Act the sum of £1,000,000 was advanced for the purposes of the clergy of the Irish Established Church, who were unable to get in their tithes—to get over the period of distress into which the non-collection of the tithes had plunged them; £900,000 of that sum was actually advanced, and he found that the amount repaid was nil; and it

was now proposed to forgive the Irish clergy that sum of £900,000 also, which was advanced to them and to the Irish landlords for the purpose of getting them out of their difficulties. Under these circumstances, he thought hon. Members should disabuse themselves of the idea that the State was acting in a spirit of unprecedented generosity towards the Irish tenants. On the contrary, if they compared the £900,000 advanced to the Irish landlords and the Irish clergy, which had never been repaid, and was now proposed to be forgiven, with the action of the State, as manifested in the clauses of the present Bill, the comparison would be remarkably favourable to the generosity towards the landlords rather than towards the tenants. What was the principle which underlay the present Bill? Perhaps he would more accurately express himself, if he said what was the want of principle which underlay this clause? It was that it put all landlords and all ranks on exactly the same moral basis. If he were surrounded by English squires and farmers, and dilated upon the great depression of agricultural operations for the last two or three years, if he said that land was rapidly going out of cultivation, if he said that agriculture no longer produced the amount of profit it formerly produced, his remarks would meet with the most sympathetic approval of the Gentlemen he addressed. If he went further, and said that the great cause of this depression of agriculture was what was called a relentless foreign competition, if he were to point out that the true remedy for the present state of affairs was to keep out foreign corn and cattle by protective duties, he would be regarded by these country gentlemen and farmers as the advocate of sound Conservative principles; but when he turned round from a description of agricultural distress, as applied to the case of England, and came to the case of Ireland, he would find that the same Gentlemen who were quite willing to admire the darkness of the picture in the one case were ready to deny the reality of the distress in the other case. What was the fact with regard to arrears of rent in Ireland and England? There were very few arrears owing by English farmers. ["Oh!"] Well, he did not know much of the relations of English landlords and tenants; but he did know

that no rent was due to him by any farmer, either English or Irish. What he meant was this—that no arrears of rent were due to English landlords, because English farmers and landlords, like men of business, accepted the situation; they examined into the state of affairs; they said—"We must deal in this matter as manufacturers and their country customers deal with one another; we will make a balance-sheet of the situation; as we can't get the whole amount we will take a composition." Accordingly, English farmers had been quite willing to remit as much as 20, 30, 40, 50, and, in some cases, even as much as 70 per cent of the rent which was due to them by their tenants. If the Irish landlords had acted in the same spirit of good sense—he would not say in the same spirit of generosity—there would have been none of these disputes, and none of the distress and turmoil which had distracted Ireland for the last two or three years. What he wished to bring before the Committee was, that, as a matter of fact, there ought to be no recognition of the arrears of rent in Ireland at all, in the majority of cases, because rent which had fallen into arrear was rent which the circumstances of the time had made an exorbitant and an impossible rent, and which, therefore, the landlord had no moral, if he had any legal, right to recover. What was the proposal of the Government? It acknowledged that during the last two or three years there had existed in Ireland great distress and agricultural depression; but it proposed to make no reduction whatever in the arrears of rent; it simply allowed landlords and tenants to come to an agreement by which the payment of the arrears should be deferred. What was really wanted was a composition and not a postponement; in fact, what they required was a wiping out of the arrears. He had spoken about a Bill that was now before the House. He would make an allusion to another Bill, and he needed only to read its title to show that, after all, this marvellous and unprecedented generosity which was now being dispensed to Irish tenants was a matter which was allowed to pass *sub silentio* when displayed towards other people than the Irish—he referred to the Incumbents of Benefices Loans Extension Bill. This was a Bill that actually gave a public



body the right to defer for three years the payment of certain sums, and the persons who were to be thus relieved were clergymen of the Church of England. He had no objection to the relief of clergymen of the Church of England any more than he had to the relief of any other body; but he considered that the minds of hon. Gentlemen would be entirely diverted from the merits and demerits of the present question if, in the first place, they regarded this proposal as unprecedented, and if, in the second place, they regarded the proposal as one giving to the Irish tenants anything like a generous treatment that had not been given to any other class of the community.

MAJOR O'BEIRNE said, there were several objections to this proposal. In the first place, it made no distinction whatever between the scheduled districts and other parts of Ireland. They all knew that bad seasons were felt far more acutely and severely in the scheduled districts than on the East Coast of Ireland, which was never scheduled under the Relief of Distress (Ireland) Act; in fact, there was as much difference between the material prosperity of counties Wicklow and Carlow and the county Leitrim as there was between the material prosperity of the tenant farmers of Sussex and Kent. This clause treated all the tenant farmers of Ireland alike; they were to pay 8½ per cent for the money advanced to pay the arrears with. He considered such a percentage as that excessive; indeed, he thought the tenants ought to be able to obtain advances of money at the same rate as the advances were made to the landlords under the Relief of Distress Act—namely, to be required to pay nothing for two years, and then for 35 years to pay only 3½ per cent. The next objection he found to the proposition was that the money was to be paid twice a-year. It was not the custom to pay rent twice a-year—certainly, in the county of Leitrim and many other counties rent was only paid once a-year, and he did not see why tenants should be called upon to pay this interest half-yearly. This year the potato crop in many of the districts of the West of Ireland was almost completely destroyed by the severe frost which took place early in June; indeed, so great was the failure of the crop, that several Petitions had been presented to

Parliament praying that the tenants might be exempt from paying the seed rent for another year. He was perfectly convinced that if some alteration were not made in the rate of interest, the tenants of Ireland would look upon the Bill as one to secure certain rack rent for 15 years. The people would be quite unable to pay interest after the rate of 8½ per cent, and there would be only one plain course for the landlords to adopt, and that was to evict.

LORD RANDOLPH CHURCHILL said, he was sorry he was not in the House when the Chief Secretary for Ireland moved this clause. He understood, however, from the hon. Gentlemen who sat near him, that the right hon. Gentleman contented himself by simply moving the clause; that he did not enter into any explanation of it, inasmuch as he had explained it a few days ago. There was one point upon which the Chief Secretary for Ireland had withheld all information, and that was what was the amount of money for which the Government expected the Consolidated Fund was likely to be liable for. It was rather surprising that the Chief Secretary for Ireland, who acted, in this instance, as the mouthpiece of the Government, should have made this proposal to the Committee, and, as he understood, refrained from giving even an idea of the probable amount of money the Consolidated Fund would be called upon to advance, assuming that all the landlords and tenants in Ireland entered into the arrangement. His (Lord Randolph Churchill's) sources for arriving at an estimate on this point were, of course, very limited indeed; but with some things hon. Gentlemen were well acquainted. They knew perfectly well that the agricultural rental of Ireland was something like £15,000,000 or £16,000,000 a-year. In the calculation he was about to make, he would prefer to take the lower figure—namely, £15,000,000. He was perfectly certain he was not making too high an estimate if he said that one-third of that rental was unpaid in 1879—whether it had been forgiven for the time, or absolutely remitted, he did not know. He was quite prepared to take the same estimate for the arrears of rent in 1880, because the Committee would recollect that although 1880 was a good year, as far as crops went, the people of a great part of Ire-

*Mr. T. P. O'Connor*

land had not recovered from the distress of 1879, and that distress prevented them taking advantage of the good year of 1880 as much as they otherwise would have done. He did not think he should be guilty of exaggeration if he estimated the arrears of 1879 and 1880 at between £8,000,000 and £10,000,000. What did the Government propose? They proposed to pay half of these arrears, or between £4,000,000 and £5,000,000. He thought the Government would be prepared to say that was a perfectly absurd estimate, and he should be glad to hear them say so; but, at the same time, he should be glad to receive the figures by which they arrived at that conclusion. If the estimate was not absurd, how did they propose to get the money?—because he supposed that in moving this clause they were prepared to find all the landlords and tenants taking advantage of its provisions. He did not say that everyone would avail themselves of the existence of the clause; but, supposing they did, how did the Government propose to get the money? That ought to be the first consideration before the Committee assented to the proposal. Of course, they might look at the matter in another way. He would put it to the Committee, did not this proposal come very hard on those tenants who resisted the agitation which had been carried on against the payment of rent; who resisted the intimidation by which that agitation had been carried on; did it not come very hard upon those tenants—and there were many of them—who, possessing a thoroughly honest nature, had gone to their landlords, or their landlords' agents, by night, by secrecy, by any method which their ingenuity could invent, to pay their just debts; did it not come very hard upon them to find that the persons who had stuck out, who had refused to meet their liabilities, no matter what their position was, should now be receiving the protection of this proposal? He asked the Committee if they could conceive anything more thoroughly demoralizing than that a proposal should be made by the Government of Great Britain to place a premium on what had been, in 99 cases out of every 100, nothing more or less than an absolute repudiation of liability, and not only an absolute repudiation of liability, but now, by the proposal of the Government, a successful repudiation? Why did the

Government make this proposal in favour of the Irish tenant, who, either from inability or unwillingness, had refused to pay his rent. The hon. Member for Galway (Mr. T. P. O'Connor) had said the tenants of England owed no arrears. He (Lord Randolph Churchill) ventured to say that the English landlords in the House were quite prepared to get up and with one voice contradict the hon. Gentleman. The arrears in England in 1879 were extremely heavy, and he did not think any landlord in the House would say he saw much prospect of getting more than two-thirds of the rental of that year.

MR. T. P. O'CONNOR said, he was sorry to interrupt the noble Lord, but he had not quite exactly represented what he said. What he said was—"There were no arrears of rent in England;" but he went on to say, "because the landlords were willing to forgive them, and did, in the most cases, forgive them."

LORD RANDOLPH CHURCHILL admitted that there had been great remissions of rent all over England; but in spite of the remissions the arrears in England would be, in the aggregate, enormous. Now, what he wanted to show to the Government was this. The question of arrears did not seem to touch the tenure of land in Ireland; and he desired to know what was the difference between the arrears of rent in Ireland and the arrears of rent in England that the Treasury and the Consolidated Fund should come to the help of the one and not of the other? No one in their senses would deny that the agricultural distress had been severe; but it had visited both countries alike. Why, therefore, were the Government going to treat one, in respect of that distress, differently to the other? The Government could not give any satisfactory answer to that question. Of course, there were exceptional circumstances to be taken into account. No doubt, there was distress in the West of Ireland which amounted to a famine; and if measures had not been taken the famine would have been a disastrous one. Had the Government come forward with a proposal to apply this assistance to the district which actually suffered in that famine, their case would have been so strong that it would have been difficult to argue against it. But they did nothing of the kind; they included the whole of the

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farmers of Ireland in this proposal, and left the English farmers out entirely. He defied anyone to say there was any difference between the circumstances of the farmers in Leinster and the circumstances of those in Wiltshire and Oxfordshire, Berkshire and Buckinghamshire, and that there were reasons why the State should come to the assistance of the farmers in one country and not in the other. What an extraordinary impression they would produce on the minds of the English farmer. The English farmer had great difficulty to pay his way at present, and what did he see? He saw that in Ireland there had been a successful movement, not in favour of a lower rent, but against the payment of any rent; he saw that that movement had been supported by means and by machinery which, in many respects, could only be denominated as atrocious; and he saw that, in spite of all these circumstances—circumstances which had led to an actual suspension of the Constitutional liberties of Ireland—the Imperial Treasury came forward with a proposal to pay the debts of the Irish tenants. Did the Committee think that a proceeding of this kind would have no effect on the minds of the English farmers? Did they think it would have a stimulating effect upon the Irish farmers? There could be only one answer. If they remitted rent, if they were going to assist the tenants to pay rent, why did they not assist them to pay other debts? What did Professor Baldwin say? In his Report he said the tenants in Ireland were steeped in debt, not to the landlord, but to the tradesmen, in many cases to four times the amount of their annual rent. If the Government wanted to give the Irish tenants a fair start, why did they not say that the shopkeeper who supplied the meal, and the corn merchant who supplied the seed, and all the different tradesmen to whom the tenant owed money, should be benefited under this clause? What distinction could be drawn between the debt which assumed the shape of rent, and the debt which assumed the shape of an ordinary debt to a shopkeeper or merchant? That was another question he hoped the Government would find it in their power to answer. There was no precedent in the history of the country to show why the whole of the people should be taxed to

pay the debts of a particular portion. It might be argued that the Disestablishment of the Irish Church formed a precedent. In that case, the majority of the people were called upon to pay particular tithes for the support of an alien Church, and it was quite natural that that should assume an aspect which would encourage the State to come to the assistance of those who were forced to pay for the support of a religion in which they did not believe. There was no analogy between that case and the present. The tenants of Ireland contracted to pay certain rent; but, from one cause and another—in certain parts of Ireland owing to distress, but in other districts of the country owing to an agitation in favour of a repudiation of rent—it had not been paid. There was absolutely no analogy between an advance made in respect of tithes and an advance made with regard to rent. Ireland had passed through a greater crisis than the present, and no such proposal had ever been made before. There were arrears of rent at the time of the great Famine in 1848. Those arrears were enormous, amounting to three, four, five, and, in some cases, six times the amount of the present arrears, and there were properties in Ireland where those arrears were still on the books. Did the English Government come forward at that time, although the circumstances were 50 times more imperative than now, and make a proposal of this kind? No one could pay any debts at all, either to the landlord or shopkeeper; but none of the great Ministers of the day dared to make such a proposal as was now submitted to Parliament. He would like to go into details. What was the position of a landlord who succeeded to a property at the present moment? This landlord had no interest whatever in the arrears; they belonged to the past, and it was nothing to him whether they were collected or not. But now he was to be charged with a new duty, inasmuch as he was to accept the proposed arrangement, and he was to collect the arrears before he could touch the money he himself was really interested in. There was another question he (Lord Randolph Churchill) wished to put to the Chief Secretary; and he would not have been disposed to put so many questions had the right hon. Gentleman vouchsafed any explanation when he

*Lord Randolph Churchill*

proposed the clause. Why was a tenant at £30 a-year, if he were as meritorious as to require State assistance, and to have a demand upon it, to have this aid, and a tenant at £31 10s. not to have it? What was the difference in the degree of meritoriousness between a tenant at £30 a-year and a tenant at £31 10s.? What was the reason which had actuated Her Majesty's Government in fixing this arbitrary limit? They had protested all the way through against these arbitrary limits, and had said they would not hold water. They could not defend it on any ground of justice, and by this limitation of £30 they would be let in for a sum of, as he had already put it, about £5,000,000. Did they think that the tenants at above the £30 limit would be inclined to sit still and see those at £30 or less having their arrears made good, while they, who were equally pinched and equally meritorious, got nothing at all? There was a goodly number of farmers occupying holdings at a valuation above £30—he should say about 60,000 or 70,000 altogether—while there were many of them who were very heavily rented. Would they be content to struggle on and meet their full engagements, while over the road, or in the next village, those who happened to come within the operation of the clause were receiving State aid? Would this class of higher rented tenants be inclined to look quietly on and admit the justice of the English Government? It was very extraordinary, when they considered the way in which Her Majesty's Government were in the habit of putting forward these proposals on the ground of Imperial justice. Justice? Yes; justice perverted against the landlords. When they came to the question of real justice—equal justice—it was perverted into sordid expectations from the Imperial Exchequer, and in that case “the Divine light of justice” was measured by pounds, shillings, and pence, and so became anything but Divine. Lastly, he wished again to raise the subject he had raised before as to the actual position of the Church Surplus. Did the Government, he asked, intend to advance the money under this clause on the security of the Irish Church Surplus? If they did, he desired to warn them that they would be making advances on a security that did not really exist, or, at any rate, on a

security that was already mortgaged up to its eyes. If they chose to accept the arrangement come to by the Treasury last year, they would not be advancing the money on the security of the Irish Church Surplus, but on that of the Consolidated Fund. Out of this dilemma they could not get. He trusted that on these points Her Majesty's Government would at least offer some explanation. But, whether they offered it or no, he was at least certain of this—that they could not furnish information that would prove that this proposal with regard to the advance of public money for the payment of arrears of rent was not the most demoralizing and disastrous proposal, not only to Ireland, but to England, which could possibly be made by a responsible Minister of the Crown.

MR. W. E. FORSTER: I think I may begin the statement I have to make by giving the Committee the grounds on which Her Majesty's Government ask its consent to this proposal. It is not that we think it is demanded by justice, although we certainly do not think it contrary to justice; but, still, we do not hold that it is necessarily based on the grounds of justice. We have made this proposition in order to promote what we conceive to be a message of peace to Ireland, and as the most expedient and prudent measure we can take to compose the differences which unhappily at present exist in Ireland. If the Committee are of opinion that the risk which is run—and I do not deny that there is some risk, although I do not think there is so much as the noble Lord the Member for Woodstock (Lord Randolph Churchill) seems to suppose—if the Committee think that what will thereby be gained in respect of the better government of Ireland is not worth that risk, it will, of course, be for the Committee to reject our proposal. But I would point out to the Committee that there is nothing that is at all compulsory about this proposal. There is no compulsion in it whatever. It is merely an offer on our part to advance, in the first place out of the public funds, but with the security of the Irish Church Surplus, money that may be needed, as we believe, for the purpose of composing the very great and very serious differences that have been pregnant with so much to evil to Ireland. The noble Lord the Member

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for Woodstock has asked Her Majesty's Government several questions. First of all, he asked a question about the amount of money that will probably be advanced under this clause. I am unable at the present moment to give the noble Lord any absolute statement as to what the amount will be, any more than I am able to say what will be the amount that will be required for the purchase of the holdings; but I am quite sure of this, that the calculations put forward by the noble Lord are very much beyond even the possibilities of the case. His first calculation was that the agricultural rental was £16,000,000 sterling; but Mr. Ball-Green, who is as good an authority as is to be found on this subject, has put the gross value of the agricultural holdings of Ireland at £10,200,000. The Committee must take the matter on the accountant's figures which we have been furnished with. As far as I am able to estimate the amount—and I may say that I have gone into the question as carefully as I could by the aid of the figures in the Return which has been laid before the House, showing the different numbers of agricultural holdings valued at £4 and under, and going upwards from £4 to £10, £15, and so on—I find that, taking the number of holdings under each heading, and estimating them as between the minimum and maximum, the total value of the holdings that will be affected by this proposal is about £5,000,000 sterling. But here I must point out that to suppose we should have to deal with anything approaching this amount under the clause now before the Committee is one of the most exaggerated statements that could possibly be made, and is really almost equal to the exaggeration of the hon. Member for the Borough of Galway (Mr. T. P. O'Connor), who has said that the reductions that have been made by the landlords in England had been cent per cent. [Mr. T. P. O'Connor: I said that there had been such cases.] It is for this Committee to go into this question as business-like men, and not to allow themselves to be led away by over-estimated figures. My own belief in the matter is that, on the whole, even at the present moment, in Ireland the nominal rent has been quite as fully paid up in Ireland as it has been in England. ["No, no!" Hon. Members say "No, no!"

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I dare say there are some hon. Members who are inclined to disagree with that assertion; but, at any rate, as to anything approaching the estimate given by the noble Lord, I am fully convinced of its exaggeration. It is not for me to give the cases on which I base my statement, because I should thus be exposing the private affairs of individuals; but I may say that I have gone into a number of cases in which there have been as large arrears as in any part of Ireland, and after thoroughly looking into those cases and fairly considering the condition of the tenants in Ulster, Leinster, and a great part of Munster, I have arrived at the calculation that in all probability the maximum drain on the Treasury, or, I should say, on the Consolidated Fund in the first place, and on the Irish Church Surplus afterwards, will not amount to more than £700,000, or even so much as that. Taking into account the fact that this proposition extends all over Ireland, perhaps the main reason why I think the figures I have stated are within the mark, and that hon. Members have exaggerated, is this. When we are talking about arrears, or hearing arrears talked about, either in the case of tenants who cannot pay them or tenants who will not pay them, or of landlords who do not get them, we are talking about all the rents that are owing at the present moment; but it should be remembered that the very essence of our proposal is that before it can come into operation any tenant who is to be aided by it must, at least, have paid his last year's rent. That, I say, is the very essence of the proposition. In the case of the Province of Ulster, with the exception of certain parts of Donegal, the arrears form a very trifling consideration; and in the best parts of Leinster they are also very trifling; and in a large part of Munster they are very trifling likewise. This brings me to another of the questions put by the noble Lord the Member for Woodstock; and here I may say that the noble Lord has rather a peculiar manner of putting questions. The noble Lord never loses anything of the force of his questions by any want of peremptoriness in his way of putting them. The noble Lord has said that Her Majesty's Government make no difference between the tenant who is struggling hard to pay his rent and the

man who has not only neglected to do so, but who has tried all he could to avoid payment—that is to say, we have not attempted to make a distinction between the tenant who cannot pay and the tenant who will not pay. I believe that to do this by actual enactment, and to give to the Court or to anybody the power to perform the duty of ascertaining who could pay and who could not pay would be to impose on the Court an impossible task. But I believe that our proposal, taking it on its wide principle, and having regard to its general features, without attempting to take in every particular and isolated case, does make some distinction; and I say so for this reason—that when I first ventured to bring the matter before the Committee, I stated that I believed there were a large number of the tenants who could pay and who would not pay now, who had paid up to the middle of last year. I believe that what I may call the fraudulent refusals—and in saying this I do not wish to provoke any feeling of antagonism, but, in my opinion, there was a good deal of fraudulent refusal—is to be traced to the refusals that were made last year. As I have said, I do not make use of the expression to excite any angry feeling; but it is the only mode in which I can express my meaning. Those who held the last harvest, and are able to pay, will not be helped by this proposal; but, on the other hand, there are a great number of tenants who are utterly unable to pay in consequence of the bad harvest of 1879. There can be no doubt about this; and, consequently, the question arose whether Parliament should not step forward under these difficult circumstances and try to make a proposal which, on the one hand, should discourage the landlords from evicting their tenants for non-payment of arrears that have accumulated in bad times, and should, on the other hand, discourage those fraudulent tenants who can pay but who will not. I do not mean to say that if we carry this proposal there will not be one or two hard cases on one side or the other—on the one side, in the case of tenants who, owing to distress through bad harvests, are unable to pay their last year's rent; and, on the other hand, of the bad effect produced by fraudulent tenants, who will be enabled to obtain a sort of advantage in the matter of the arrears due before

last year; but I do not think there will be many of these cases on either side. These objections would apply very strongly to the question of a compulsory enactment; but, after all, we are merely making an offer, which is put on the one hand to the landlords, to whom we say—"If you can agree with your tenants as to the last year's rent, we will advance you half of what was owing during the previous two years, and we will advance you that at a very cheap rate." I do not agree with my hon. and gallant Friend the Member for Leitrim (Major O'Beirne) that it is not a cheap rate; and I should also point out that we say to the landlords—"We give you terms of repayment which go over 15 years." It is true that these repayments are to be at 8½ per cent per annum; but that, of course, includes both principal and interest. The landlord may say—"If I were to evict I might get the whole," and some few landlords might prefer to take this course; but, generally speaking, the landlords would not think this course to their interest. In return for this, the landlord has to wipe off all the previous arrears. He gets, in the first place, last year's rent from the tenant, and he also gets an advance of 50 per cent for the two previous years, with a long time for repayment. And now, on the other hand, let us see how it will operate with regard to the tenant. The tenant, after paying the last year's rent, enters into an obligation to pay what is really a very small sum, in addition to his rent for 15 years, and receives an entire acquittance for all his previous arrears. Now, the noble Lord the Member for Woodstock has said that this is a demoralizing proposal. I cannot see that there is anything demoralizing in it. It would, doubtless, be demoralizing, and very demoralizing, if we forced the parties to accept the proposal—if we said to the tenant—"We will step in between you and the landlord;" and said to the landlord—"You shall not be able to claim more than 50 per cent of the debt due to you." That would be demoralizing. But when we look at the facts, and know that the landlords cannot, without inflicting great misery on their tenants, and without danger to the country generally, carry out, by force of law, the obtaining of the whole of their arrears, we feel we are right in saying—"If you will accept our pro-

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posal, we have a good thing for you and also for the tenant;" and I cannot see how anyone can be injured in any way whatever. The noble Lord the Member for Woodstock has said—"Why should you do this for Ireland, and not do it for England also?" My answer to that is that in England we have not to encounter the same set of circumstances. It is our duty to look at matters as they stand. We have now been for months engaged on the framing of a Land Bill for Ireland. Everybody admits that we have been conducting this Bill on different principles and in a different manner from those on which we should conduct a measure dealing with questions between landlord and tenant in England. I suppose every hon. Member of this House will say he is quite aware of that. The question really is—Is it, or is it not, desirable that we should run what is not a large risk for the purpose of taking away what is a great practical danger that attaches to the administration of Ireland? We propose to give to the landlord the power to get from the tenant a certain portion of his rent; and our chief object in this is to tempt both sides to approach each other—to try and get them, instead of carrying on this fight that is now going on, to agree together in the proposition we have ventured to make on behalf of the taxpayers. Our object is to bring these disputing parties together, and to induce them to agree. We hold out a considerable temptation in the shape of an inducement to each. To the landlord we hold out the inducement of last year's rent as an advance, and to the tenant we offer the inducement, if he can make up that year's rent, of his being able to go on and make a new beginning. I repeat that if the proposal were, as some hon. Members have said it is, a proposal which demolishes by law the debt that is due, I do not think we should be justified in making it; but it is not that, it is merely a proposal to bring both parties together, in order that they can come to an agreement, and to effect this by the advance of a sum that will not be very large out of the public funds. Even looking at it as a mere question of pounds, shillings, and pence, I believe it to be a thing very well worth doing.

SIR STAFFORD NORTHCOTE: I am very sorry to do anything that may have the effect of detaining the Committee

*Mr. W. E. Forster*

from arriving at a conclusion upon this clause, not only because I feel that we are all anxious to go on with the work as quickly as possible, but because I observe that the longer this measure is before us the more extraordinary do the ideas of the Government with regard to it become, and the more extraordinary are the proposals they make. I was much struck by one thing. I do not know whether many hon. Members were present in the House last night, or yesterday afternoon, when an observation was made by the right hon. Gentleman the Prime Minister on a different subject—I refer to the Motion shortly to be submitted to the House by my right hon. Friend the Member for East Gloucestershire (Sir Michael Hicks-Beach) with regard to the Transvaal policy of Her Majesty's Government. The right hon. Gentleman the Prime Minister had said that that Motion had been postponed, among other reasons, on account of the course of the Land Bill; and he added that if the Land Bill had been a measure of ordinary legislative importance—such a Bill, for instance, as that of 1870—he should, undoubtedly, have given precedence to the Motion challenging a Vote of No Confidence in Her Majesty's Government which had been asked for by my right hon. Friend the Member for East Gloucestershire. But this, he said, was not an ordinary measure. The Land Bill with which we are now concerned is a Bill, he said, which closely, and in all its stages, touches the peace and good government of Ireland. The expressions which the Prime Minister then used were so remarkable that, for the moment, I could not quite see what their true bearing was; but I think that when one looks at the gist of the Bill and at the proposals that are from time to time being made by the Government, one is better able to understand the meaning of those remarks. Although the Bill took a long time in its conception, although it went through two or three different phases before it was produced, yet, still, when it was laid on the Table, it was absolutely free from the inconvenience of having any immutable principles; and it was to be carried on with reference, at every stage, to the social condition and circumstances of Ireland. Proposals were introduced as it went along that were not among those which were originally contemplated by

the Government, but which were entirely afterthoughts. Among them we have this very remarkable proposal as to the mode of dealing with the question of arrears of rent. That proposal has been made in the simplest possible manner by Her Majesty's Government, without even so much as thinking it necessary to explain the nature of it.

MR. W. E. FORSTER: When I brought it forward I said I would not delay the Committee, as I had fully explained it a fortnight ago.

SIR STAFFORD NORTHCOTE: The right hon. Gentleman is assuming that the state of things is the same one fortnight as it is in another, which is certainly something on the side of stability. But, at all events, my noble Friend the Member for Woodstock (Lord Randolph Churchill) has put a number of what seem to me extremely pertinent questions; and when the right hon. Gentleman the Chief Secretary for Ireland rose to answer those questions he began with the most remarkable admission I think I ever heard made by a Minister. Here is a proposal which strikes us as being one of a very curious and very remarkable character, and one which, unless it is demanded by justice, can hardly be reconciled with the principles of political economy; and yet the very first admission the right hon. Gentleman makes is that this clause is not demanded by justice, but is demanded because it is a message of peace to Ireland. Well, it is bad enough to hear that this proposal is not demanded by justice. That fact deprives it, in one sense, of any great force; but when we are told it is a message of peace to Ireland I cannot but remember the remark once made by a Member of this House who said—"When I hear a man talk of his conscience, I always button up my pocket." When we hear of messages of peace to Ireland, I am reminded that we have sent a good many such messages. Well, Sir, it did not seem to me, when the Chief Secretary began to answer the questions of my noble Friend, that he succeeded in answering them in the most satisfactory manner. In the first place, there was the question as to the amount. On that my noble Friend said he would take it for granted that the Government had gone into the subject and would be able,

at all events, to give us some figures. In fact, he, in his ignorance, even suggested certain figures which occurred to him, and which, he supposed, were naturally brought about by the demands likely to be directly or indirectly made upon the Exchequer. One would have thought that the Government would have been prepared with some statement on this subject; but the right hon. Gentleman the Chief Secretary entirely negatived the noble Lord's suggestion. He said the amount in question was very much less than had been suggested, and gave us £700,000 as the maximum figure that might be expected to be really demanded. I do not know on what ground he computed it; but, considering the time when the demand is made on us, I think we might have expected a little more precision in the information we get as to what it is that we are actually doing. But the right hon. Gentleman has said there is no cause to trouble ourselves because there is no compulsion; that it can only operate where both parties are agreed; that it was only desired that the landlords and tenants should come together and agree. But, after all, the sort of compulsion which is offered to the landlords is of this kind—Will you have it now or wait till you get it? That, undoubtedly, is the kind of pressure applied to the landlords with regard to the arrears due to them. And here is the mode in which it is thought right by Her Majesty's Government to guarantee the payment of a certain proportion of arrears. They say—"If you will only come to terms with regard to a certain payment to be made in respect of the last year's rent, and if we can see ourselves clear with regard to the arrangements between the landlord and tenant, the Land Commission may make an advance of not exceeding half the antecedent arrears." It is remarked that this would be very hard, inasmuch as it would be in favour of those dishonest tenants who can pay and refuse to pay, and that it would be hard to those persons who sometimes have made an effort to pay at great personal risk; but, then says the right hon. Gentleman—"You must bear in mind that this clause will not come into operation unless the tenant has paid the rent due for the last year past." But I do not see that it is so. The clause says that the tenant must have paid the

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whole of the last year's rent, "or such sum as the landlord may be willing to accept as the equivalent of the whole." The landlord, who, after all, is very like other men in these matters, has to make the best terms he can, and in order to get some relief for his distress out of the Exchequer he may be willing to accept a merely nominal proportion of the rent due for the past year as a means of recovering some of the arrears of rent due for the preceding years. That, I must say, is a very unsatisfactory proposal, and, moreover, it lays down a most dangerous precedent. Then, again, no answer whatever has been given to the very pertinent question of my noble Friend, who asks why this provision is made to apply to all parts of Ireland whether distressed or not. We could understand, under certain circumstances, that the Government should say there has been exceptional and abnormal distress and the people are in such a condition as to require special indulgence. But they do not say anything of the sort. They put this proposal forward as a general measure—as a measure for the purpose of clearing off arrears. My noble Friend says there is no precedent for such a proposal in English history, and he goes back to Pisistratus as the latest precedent. But my impression is that there does exist a precedent for it in what, at any rate, passes for the History of England, in the story of "Tom Thumb the Great," where hon. Members will find the proposal that all debts should be paid by the State. Of course, these are remarks which by some may be considered absurd. But why do I make them? Because we are dealing with a proposition which, we are told, does not rest upon any principle of justice, or, as far as we can conceive, upon any principle at all except that of living from hand to mouth. And I venture to say in all seriousness that, to my mind, this is one of the most dangerous features of this legislation, the whole of which appears to me to be based on an endeavour to make things pleasant without regard to the consequences, the principles of political economy being set aside in order to meet the particular circumstances of the day. We are now asked to decide upon a question of great importance without reference to those principles; to lay down doctrines which will, no doubt,

before long be applied in other directions, and, at the same time, we have been met by the most unsatisfactory statement of reasons which, upon so important a subject, it has ever been my lot to hear delivered by a Minister of the Crown.

MAJOR NOLAN said, he wished to point out that the rateable value of the holdings in Ireland—£30, at the average of £12 10s. each—amounted to £4,500,000, and it was not for one moment to be supposed that the whole of the sum of £5,000,000 named by the noble Lord the Member for Woodstock (Lord Randolph Churchill) would be paid. In that part of Galway with which he was connected, probably the most distressed district in Ireland, about £40,000 would come under this clause, while the rest of the county would be represented by £70,000 or £80,000. But it was not the Consolidated Fund that became liable in the first instance. There was the security given by the landlords and the Church Surplus Fund. He did not know the actual amount of the fund available at that moment; but he believed that £3,000,000 of it had been devoted to national school purposes, and £1,500,000 lent to the landlords in Ireland at a low rate of interest, besides, as the noble Lord the Member for Woodstock reminded him, a further sum for intermediate education. Notwithstanding these amounts, he did not think there could be much less than £3,000,000 in the fund; a very much larger sum than the Government would have to find for arrears. He and his hon. Friends really wished to extend the limit fixed in the clause in order to make the proposal of the Government apply to holdings of more than £30 a-year, and the noble Lord said that the Exchequer was being pledged for a large sum of money. He (Major Nolan) believed it was pledged for nothing of the kind; he maintained that Ireland was getting nothing whatever from the National Exchequer by this proposal of the Government, and altogether repudiated the arguments which had been used against it. As a rule the Treasury made very good bargains in dealing with Ireland, and he did not regard the present case as any exception to the rule. Without going into the general question of the advantage or disadvantage of advancing money for the purpose of wiping out arrears, he

*Sir Stafford Northcote*

thought the Government were bound to take some steps in that direction, and had merely risen to protest against the tone which had been given to the debate by the noble Lord opposite.

SIR R. ASSHETON CROSS said, as he understood the position it was that there had been a number of bad seasons, that the tenants in Ireland were very much in arrear with the rent due to the landlords, and that the proposal of the right hon. Gentleman the Chief Secretary for Ireland was a *modus vivendi* by which those arrears might be wiped out in order that the tenants might, so to speak, have a fair start. The object which everyone had at heart was that the tenant should have this fair start, and the chance of re-establishing himself as an independent member of society. Before proceeding to the consideration of this proposal, he might remark that it was not his intention to go into the question of the Church Fund beyond saying that, as it was one of extreme importance, he hoped, before the debate closed, or, at any rate, very shortly, some clear statement would be forthcoming from the Government as to what was the amount really available from that source. At the same time he was quite ready to admit that the matter was a delicate one, and that it was difficult to arrive at a practical conclusion as to what was the actual surplus. Now, his first objection to the clause proposed by the right hon. Gentleman was that it did not appear to draw any clear distinction between the tenants who might be perfectly able to pay and those who were not able to pay, and that, consequently, it opened the door to a great deal of fraud on the part of tenants who might shelter themselves under the clause, and who, having money in the bank, might say to themselves when the Bill was passed—"Now, if I can get off by paying half the rent I will do so." He said that whilst the object of Her Majesty's Government was to help the poorer tenants who could not pay, they were, at the same time, holding out an enormous temptation to those who could to take advantage of the clause. He was bound to say that it ought to carry with it some limitation which would prevent its abuse by the persons to whom he had referred. Undoubtedly, the same advantage ought not to be offered to both classes of tenants, for the object was to relieve only

those whom bad seasons had made unable to pay their rents. That being so, the circumstances seemed to demand something in the nature of a Bankruptcy Clause, which, without carrying with it the least slur, should be applied to tenants who availed themselves of the benefit of the Government proposal for dealing with their arrears of rent, which had been incurred by no fault of their own, owing to the act of God. Then he came to the consideration of the question as to whether this clause would enable them to start afresh in life with a clear balance sheet. When it was said that the fact of paying 10s. in the pound was not to be considered as an act which cast the slightest stigma on the character of these tenants, the Committee ought not simply to take into consideration the rent due to the landlords, but the debts due to other people. There could be no doubt that the large majority of the small tenants, established by the operation of the Act of 1870, had got into debt, not only with the shopkeepers, but with the money-lenders in Ireland, who had dragged them into a net from which they could never hope to escape. This was no matter of speculation, it was one of proved fact. No one could read the evidence which had been given before the Commission without being struck by the amount of indebtedness on the part of these poor farmers. He would simply allude to two passages from a Paper signed by Professor Baldwin and Captain Robinson, who said the tales told them by some of the small tenants were so incredible that they took the trouble, whenever they could, to verify them by referring to the books of the shopkeepers. At the commencement it was customary to pay the debts contracted at the harvest. In good years credit was freely given, not only for meal and flour, but for clothes and other articles. There was no doubt of the fact that an examination of the shopkeepers' books proved that a large amount of the credit given was for goods actually consumed. They went on to say that a succession of bad harvests had prevented them paying their accounts regularly; and in that way debts had accumulated, until many of the small farmers had to go for loans to the shopkeepers, who insisted that they should always take something from the shop as part of the money borrowed. In that way they said many small far-

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mers had accounts owing to the shopkeepers amounting, in some cases, to 10 times the amount of their annual rent. Now, he asked the right hon. Gentleman what relief these poor people would get from this clause? All it proposed was to enable the landlord to agree that, as far as two years' rent was concerned, they were to pay 10s. in the pound. But he would like to go further, and say that there ought to be machinery of some kind by which these debts could be wiped out. Even if they were clear of the rent due to the landlord they were not relieved of their debts, amounting, in some cases, to 10 times their rent, to the shopkeepers and others. The clause, then, afforded them no practical relief, inasmuch as they could not start afresh in life with a clear balance sheet. Therefore, he repeated that if they were going to help people who had been prevented, by bad harvests, from earning the money that they would otherwise have received, they should, at all events, provide some machinery by which those people might be relieved, not of one year's rent only, but of the whole of their debts, by passing through a Court of Bankruptcy and paying their creditors so much in the pound, without the slightest stigma attaching to their character. By that means alone could they be helped and enabled to start afresh; and, therefore, he trusted that the Chief Secretary for Ireland would find some method by which that object could be attained.

MR. GLADSTONE: I am bound to remark on the extraordinary doctrines laid down in the speech which has just been delivered by the right hon. Gentleman opposite, and which I at once admit has every claim on the attention of the Committee, as contrasted with the series of sneering sarcasms which made up the speech of the Leader of the Opposition, and I am sorry for some of those sarcasms, not on account of the object of them so much as on account of the speaker. I was sorry to find that we had not outlived the days when a Gentleman of the highest possible position in this House thinks fit to sneer at the number of messages of peace we have sent to Ireland, and the number of messages of peace we shall have to send there in future times. What, Sir, has the right hon. Gentleman observed no fruit from these messages of peace?

*Sir R. Assheton Cross*

Is he aware that at this moment religious strife and animosity are almost at an end in Ireland? Is he not aware that there is no country in Europe which, during the last 30 years, has advanced more in wealth and prosperity than Ireland, and that, with the exception of one class of offences, there is no country in Europe in which so great an advance has been made with respect to obedience to the law? The right hon. Gentleman who has just sat down appears to be less advanced than the right hon. Baronet himself, and he is totally unaware that I speak not only in conformity with unquestionable facts, but in conformity with facts which were the commonplaces of discussion during the whole of our debates on the Coercion Bill, as that measure is called by a number of hon. Gentlemen. It was then recognized that in that country where murder used to stalk abroad half a century ago, so as to shock the sense of the civilized world, the percentage is now less than in England. In Ireland, where no jury could be relied upon to convict upon the clearest evidence, the number of convictions for criminal outrages are now in a larger proportion than the convictions in this country. There are, apparently, Gentlemen in this House so ignorant of the history of their country, and forgetful of those portions of this debate which they ought to have recollected, and which I am only ashamed to refer to, because they are but commonplaces and truisms which schoolboys ought to know. Forsooth, we have history raked up, and Pisistratus is brought into the field, and in the rear of Pisistratus Tom Thumb. I am going to add to these a Gentleman about whom the right hon. Baronet knows something—his late Chief (Lord Derby). When Lord Derby was Chief Secretary for Ireland, he came to the House of Commons for this very purpose of paying from the Consolidated Fund the money due from the Irish peasants.

SIR STAFFORD NORTHCOTE: That was quoted by the noble Lord the Member for Woodstock (Lord Randolph Churchill).

MR. GLADSTONE: Yes; but the noble Lord the Member for Woodstock, in quoting it, overlooked the fact that Lord Derby stood as an opaque figure between him and Pisistratus. I cannot observe in the noble Lord the Member

for Woodstock that submission to Party discipline which would make me at all certain that, when he rose in his place, he would not indulge in the same ingenuous criticism, whether Lord Derby or anybody else was the subject. I might have expected—I do not say on personal grounds, but on the grounds of political consistency and reputation—that from the right hon. Gentleman opposite (Sir Stafford Northcote) the memory and acts of Lord Derby would have received milder treatment. It is not necessary to dwell at length upon that subject, particularly as I must say the right hon. Gentleman has shown a desire to push forward this Bill, and not to occupy the time of the Committee in discussions which, when once started, are apt to be prolonged and propagate themselves. I do not find any fault with the right hon. Gentleman making objections to, or pointing his remarks to the exceptional nature of, propositions of this kind, because such remarks are of value as tending to prevent the needless multiplication of precedents for proposals which can only be justified by extraordinary circumstances, and because they have a tendency to insure sobriety of judgment on the part of those who may have to consider whether circumstances have called for such exceptional privileges. But, if the right hon. Gentleman was merciless on Lord Derby, I cannot help thinking that the late Home Secretary was still more merciless to the right hon. Baronet, because he made it a subject of complaint that my right hon. Friend the Chief Secretary for Ireland did not go a little farther and make a clean sweep of all the tenants' debts which they were unable to pay, taking a flight much more apt to be taken by ex-Home Secretaries, and—he might say so in the absence of his right hon. Friend—actual Home Secretaries, than by Gentlemen who had spent a long time at the Treasury. But the right hon. Gentleman put some points upon which I will endeavour to give him as much satisfaction as I can. First of all, he asked what is the amount of the Church Fund, and said we ought to know whether we are taking a “leap in the dark” or not. The right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) has recently made a careful examination of this subject, and his authority will be recognized by the House

itself, and also by right hon. Gentlemen opposite. No doubt, the question of the assets of the Church Fund is one upon which there may be so far a difference of opinion, that it is not a mere matter of arithmetic; but, at the same time, without entering into details, and looking at the figures as stated by my right hon. Friend, and admitting that it is possible or probable that these claims might reach to £500,000 or something more, but believing that they will fall, under any circumstances, very far short of £1,000,000, there is no reason to doubt that the Church Fund will be able to make good the advances which it may be found proper to make. There are two points in the speech of the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) which formed its main substance. The first was, that the plan of my right hon. Friend the Chief Secretary for Ireland was fundamentally faulty in failing to draw a distinction between men able and unwilling to pay, and the men who were willing but unable to do so. Admitting, to a certain extent, that in every scheme of this kind there is some liability to criticism on that ground, I must say I think my right hon. Friend has taken the best and the only security in his power in this case; indeed, I should say he has taken a double security. In the first place, great power is placed by this clause in the hands of the landlord. By the offer on the part of the State to advance him a sum of money, the landlord will have very considerable power in distinguishing and detecting the man able to pay, but not willing to do so. The landlord will be able to track him out in detail where we should not be able to do so. But, Sir, there is another security which my right hon. Friend has stated. He has proceeded on this basis—that the Irish people are, as a people, habitually, in ordinary times and circumstances, good rent-payers and not bad. That being so, our persuasion is that the period within which that class has been multiplied—namely, the class of men able to pay and not willing, is represented by the last year. It has been in 1880 that that class has, at any rate, swollen into dangerous proportions; and therefore it is that my right hon. Friend requires that they shall satisfy the landlord for the rent of that year, before this plan can

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come into operation. His plan, therefore, is framed on the supposition that with that preliminary condition he will exclude from its benefit the bulk of those persons who we all agree ought to be excluded, and include those who belong to the category of persons unable to pay. This is what I have to say upon one point raised by the right hon. Gentleman the Member for South-West Lancashire. With regard to the other point, speaking of those persons who were entitled to be qualified recipients of the bounty, or whatever it might be called, he lamented that we did not relieve them of their other debts which were of a serious character. Now, Sir, the objections to such a proceeding are, in my opinion, immense. In the first place, the verification and establishment of these debts would be a matter of extraordinary difficulty, and would offer infinite scope and opportunity to fraud; in the second place, as compared with the great facilities with which we establish the fact of the rents which are in arrear. My right hon. Friend was taken to task for saying that this proposal was not demanded by justice. No doubt, this is not a demand either of abstract justice or humanity. It is made the subject of legislation only because it is mixed up with a larger question of policy—namely, the question of rent, which in Ireland threatens private peace and public and private security. We have spent the Session upon it, because it is a question of the highest importance to the tranquillity and welfare of Ireland. But, Sir, there is another reason yet for leaving the question of debt to settle itself. By interposing to get rid of arrears of rent, we secure the man in the possession of his land, and, securing him in the possession of his land, we leave him furnished with the means of working out, by his own industry, future profits, which will be the means both of keeping him in honourable relations with his landlord, and enabling him, likewise, to pay off the debts which he owes to others. Does the right hon. Gentleman, for one moment, believe that that description of a tenant's owing 10 times the amount of his rent is anything but the most purely exceptional case? I dare say I shall have Professor Baldwin thrown at my head, so to speak; but Professor Baldwin, I presume, has not had auricular

confession on this subject from every tenant in Ireland; and I must say, although, undoubtedly, Professor Baldwin is a man whose word I would take on any question of fact, I am not sure that his views are such as make him the very highest authority on a subject of this kind. The question, however, as raised by the right hon. Gentleman opposite, is a very fair one, and I do not, for a moment, question the opinion that a proposal of this kind ought to be most severely criticized, that nothing but the most exceptional circumstances can justify it, and that it is only suitable for great crises like the present. We have been endeavouring, by an almost supreme effort, to bring about a great and rapid change in the social condition of Ireland. It is upon that ground alone this proposal can be justified; but, resting upon that ground, we hope to receive the approval of the Committee.

LORD GEORGE HAMILTON said, there seemed to be an obvious flaw in the arguments of the Chief Secretary for Ireland and the Prime Minister, with regard to the omission from the clause of the means of discrimination between those tenants who could pay and those who could not pay the amount of their arrears of rent. This was not the first proposal made by the Government since their accession to Office with reference to arrears, because last year they introduced a provision into the Compensation for Disturbance Bill which put a certain limitation and restriction on the power of the landlords for the realization of arrears. Moreover, it was proposed in that Bill to enact that in every case the tenant should prove his inability to pay his rent, and not only that, but the Bill was specially restricted to certain parts of Ireland—those portions on the West Coast which were in a state of the greatest distress. These were the cardinal features of the proposal of last year; and, therefore, he asked Her Majesty's Government why they had been altogether omitted from their present proposals? The Chief Secretary to the Lord Lieutenant said that it would be an impossible task to attempt to discriminate between those who could not pay, owing to the distress which had fallen upon them in consequence of bad seasons, and those who, although they might be able to pay their rent, were unwilling to do so. If that

*Mr. Gladstone*

was impossible, why, then, was the House of Lords abused for throwing out the Bill? What had happened since last year was this. There had been abundant harvests, accompanied by extensive agitation, and the Government now proposed to grant special facilities for the settlement of arrears of rent, without any safeguard in the way of the tenant having to prove his inability to pay what was due from him; and not only did the proposal include those portions of Ireland specially provided for last year, but it was made to extend to every part of the country. The omission of the requirement that the tenant should prove his inability to pay was in itself remarkable; but the Government also proposed that with regard to every part of Ireland, in no single case where the arrears of rent were for a longer period than two years, should any demand be made on the tenant. ["No!"] Hon. Members said "No!" but that was most distinctly expressed in the clause. He should be glad to be corrected if he was wrong; but the clause said that the Land Commissioners might advance a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears; consequently, it appeared that if the arrears exceeded two years' rent no advance was to be made. If the antecedent arrears exceeded two years' rent the Land Commission would not advance more than one year's rent; and one year's rent would be half the amount of rent for two antecedent years. It would seem that the right hon. Gentleman had not quite understood what the effect of the clause would be. He was speaking within the mark when he said that a large proportion of the tenants in the West of Ireland were more than two years in arrear, and the clause would, therefore, be totally inoperative with regard to the rest of the arrears. As he had said before, he should regret to misconstrue the clause; but the construction he had placed upon it appeared to him to be the right one. He contended, therefore, that this section would be inapplicable to the part of Ireland where it was most necessary that relief should be given to the tenants; while, on the other hand, it would work in Ulster, Munster, and Connaught—Provinces in which the Chief Secretary had admitted that the great mass of the ten-

ants were not much in arrear. If the statement of the right hon. Gentleman was correct with regard to these portions of Ireland, why, he asked, did not the Government limit the operation of the clause to the parts of Ireland that were, undoubtedly, in arrear; or why did they not confine it to those parts of the country which were scheduled in the Bill introduced by the Government last year? If the Government accompanied this clause with the proviso to which he had referred—namely, that the tenant who availed himself of the benefit of it should have to prove his inability to pay, there would be a substantial safeguard that the money advanced would not go to these tenants who repudiated their contracts, and were able to pay their rent. Again, with regard to the security for those advances, the right hon. Gentleman had alluded to the advance which had been made to settle the Tithe Question. But he believed it had been shown that £700,000 were still due to the Treasury under this head; and, therefore, he would remark that a more unfortunate illustration as to the security for advances of this character could not have been presented than an allusion to the sums advanced some years ago for the settlement of the question of Tithes. He sympathized with Her Majesty's Government with regard to the subject of arrears, because he felt that any proposal that could be made for dealing with it would be open to just objection; but, undoubtedly, unless they did enact some restriction and safeguard, great injustice would be done, and the object of the clause defeated. He suggested, therefore, that the clause should only apply to those parts of Ireland which were scheduled last year; and, further, that every tenant to whom it was applicable, should satisfy the Court that he was unable to pay his rent. In saying that with these provisions he thought the clause might be operative, he took the opportunity for suggesting that if he had been wrong in his estimate that the advance made by the Land Commission could not exceed one year's rent, and that the arrears must not exceed two years' rent, the clause should be altered in such a manner as would make the intention of the Government perfectly clear.

SIR R. ASSHETON CROSS pointed out that, according to the statement of

Professor Baldwin, a usurious rate of interest was in many cases charged to the small farmers. In one case 10 per cent was charged, and in another as much as 43 per cent, the latter charge being made by a man who kept a whisky and grocery shop at which the poor people who borrowed money were induced to buy at his own prices.

Mr. W. E. FORSTER said, he believed that if the right hon. Gentleman looked into the facts, he would find that although there had been usurious charges they were for debts in detail, and the Government had not to deal with them at that moment. The noble Lord the Member for Middlesex (Lord George Hamilton) seemed to think that the poor tenant who owed more than two years' rent would not be helped at all. But that would not be the case; he would receive as much help as any other tenant under the operation of the clause. But the noble Lord also said they ought to have in this Bill the limitation which was placed in the Compensation for Disturbance Bill of last year. Surely, the noble Lord recollected that there was nothing dwelt upon with greater iteration and emphasis than that no one could by any possibility find out who were able to pay. His opinion was that if they had put the proposal referred to in the present Bill, it would have given rise to several days' debate. The right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson), speaking on the proposal last year, said—"The most extraordinary part of the proposal was probably that relating to tenants with the ability or inability to pay." But that was precisely the proposal which the noble Lord wanted the Government to make now; and it was quite certain that it was much easier last year than this to obtain the desired information, because the distress at that time actually existed. Then, again, there was the enormous difficulty of putting this matter to the Court, to which already a great amount of work had been assigned; and if they were resolved on dealing with the question in the manner suggested, the Government would have to establish another Commission for the purpose. In view of these difficulties, and knowing also the opposition which would come from Her Majesty's Government on the opposite Benches, the Government

thought it better to frame a self-acting clause, which would draw a much more complete and certain distinction between those tenants who could pay and those who could not. The reason why the Schedule of the Bill of last year was not made use of in this case was that a considerable change had taken place since last year in the position of some of the districts. There were some districts named in the Schedule which would not require help under this clause, while there were others that were not included which it would be most unfair to leave out.

Mr. W. H. SMITH said, he had listened with great attention to the Chief Secretary for Ireland, and he had heard him state that this would be a self-acting clause. He apprehended that the object of the clause was, as the Prime Minister had stated, to secure peace for Ireland; in other words, to secure that the tenants who were now in arrear to their landlords for rent should not be disturbed in their holdings. But he contended that its result would be precisely the reverse. It was well known that there were thousands of persons in Ireland waiting for the passing of the Bill to put in force processes against the tenants, knowing well that the security which they would have in their holdings would be a valuable consideration which would be the means of their obtaining payment of their debts under sale. It was notorious also that the passing of this Bill would be followed at once by a larger number of sales and evictions than had taken place in Ireland for many years previously. What would be the operation of this clause? It removed, so far as the tenant was concerned, the claim of the landlord—if the landlord acted upon it—and it made the position of the other creditors of the tenant so much better. It gave the creditor power to issue process with the full certainty that he had to deal with the unincumbered interest of the tenant in the proceeds of his farm. The inducements offered to the creditors of the tenant were enormous. The right hon. Gentleman, however, said that the last harvest had paid the debts of these unfortunate tenants to the shopkeepers; but it was curious to note, not that Professor Baldwin, but a host of witnesses who came before the Bessborough Commission had shown that the fact was precisely the reverse. He would not trouble

*Sir R. Assheton Cross*

the Committee with many extracts; but there was one witness who said, on the 27th of October, 1880—which was some time after the last harvest, or, at any rate, sufficiently so to enable the poor tenant to realize that he had money or money's worth behind him—his evidence was to the effect that he had no doubt that numbers of farmers were not then in possession of their farms at all; that they were only nominal tenants; that the farms were really in the hands of the usurers who had possession of everything on the farm. The witness went on to say that the tenants were working as day-labourers, and that there were three or four who had told him that their poverty was far greater than that of the labouring man, because they were the slaves of the money-lenders, having to do everything they wanted, and being, in fact, entirely at their mercy. He (Mr. W. H. Smith) believed that no one would deny that the evidence given with respect to usurers before the Besborough Commission revealed a condition of things that it was sad to contemplate. Another witness, John Barry, said he knew of cases in which persons had given bills of sale which were in the hands of one or two men, and neither the banks, nor any other creditors could touch them. Was it contended that the giving of one year's rent to these poor people would relieve them of embarrassments of this kind? Would not the proposal of the Government place them more and more in the hands of their masters, the money lenders? His right hon. Friend the Member for South-West Lancashire (Sir R. Assheton Cross) had been taken to task for suggesting that the Imperial Exchequer should advance 10s. in the pound to pay off the debts of these poor tenants. But his right hon. Friend had proposed nothing of the kind. He had simply urged that the Law of Bankruptcy should be simplified, and made easy of access to these persons, in order that they might start afresh with a clear balance-sheet. That, he (Mr. W. H. Smith) was certain, was the only true way of dealing with this question. The proposal that for 12 months under exceptional circumstances the tenants should not be turned out of their farms was a matter worthy the consideration of the Government and the Committee; but to leave them with these debts hanging around their necks

was altogether unworthy of that House and of any Government.

Mr. W. E. FORSTER said, he was sorry to have to make another remark; but the proposal of the right hon. Gentleman surprised him more than anything he had ever heard. It came from that quarter, too, where the strongest possible arguments were used against any suspension of eviction or of processes by landlords for the recovery of rent; and it was this, that there should be a suspension of payment of all debts of the tenants, whether to the landlord or other creditors, for the year 1880.

LORD HENRY SCOTT said, he had not had the privilege of hearing the speech of the right hon. Baronet the Leader of the Opposition; but he felt it his duty to express his opinion that the right hon. Gentleman was perfectly incapable of sneering at anything that tended to the welfare of Ireland. On the other hand, when the Prime Minister said that at the present moment religious strife had almost ceased in Ireland, that there was obedience to the law, and that the number of convictions for outrages was in larger proportion to the crimes than they were in this country, he maintained that every fact that had come to light with regard to the condition of Ireland for some months past was in absolute contradiction of that statement. Had the Government, in consequence of the introduction of this Bill, been able to withdraw a single soldier or policeman from Ireland? He said that their military occupation of the country had not been the means of bringing one single offender to justice, for when they were brought to trial no jury could be found to convict them. He regarded the Government proposal as the most immoral ever made to the House of Commons. The Government invited the tenants in arrear to compound their debts at 10s. in the pound; the State offered to lend the money, and the Government asked the very persons to whom the arrears were due to repay the advance. Had the tenants said—"If you will lend us half the amount of arrears we will find the other half," he could have understood the Government agreeing to that proposal; but to invite them to pay 10s. in the pound, and then ask the persons to whom the money was due to guarantee it, was a monstrous proposition.



MR. CHARLES RUSSELL wished to say one word, because he had an Amendment to the clause on the Paper. He should not, however, occupy the time of the Committee in discussing that proposal, and would merely state that it applied to a certain class of cases existing in Ireland at the present time which the clause introduced by the Chief Secretary to the Lord Lieutenant would not meet. He was persuaded of the necessity of making the Government proposal for dealing with the question of arrears as comprehensive as possible, and he was sensible that upon this depended much of the success of the Bill. He alluded in his previous remarks to that class of persons, now unhappily numerous, who had been ejected from their holdings, but whose period of redemption had not yet expired. According to the last Returns before the House, it appeared that for the quarter ending June as many as 5,000 persons had been evicted. The period of redemption in these cases would expire in two, three, or four months, as the case might be. He put it to the Government—how would this clause affect these cases? It offered no inducement whatever to the landlord to join in with the tenant in an application to the Court. The landlords had got rid of the tenants, and had no inducement to enter into terms with them, nor were they likely to join in any application to the Court with a view to their coming under the operation of the clause. Therefore, he suggested that in such cases power should be given to the tenant to go to the Court without the landlord; and if the tenant could make out a case for the intervention of the Court, such intervention should be given.

MR. A. J. BALFOUR pointed out that the proposal of the hon. and learned Member for Dundalk (Mr. C. Russell) could not be introduced into this clause, because if the tenant made out a good case it must be that he could not pay, and the Government had decided that every tenant, whether he could or could not pay, might come under the operation of the clause. It was left to the landlord to determine whether the man could pay or not; and, therefore, the proposal of the hon. and learned Member for Dundalk was at variance with the lines laid down by Her Majesty's Government.

Question put.

The Committee divided:—Ayes 213; Noes 97: Majority 116.—(Div. List, No. 317.)

MR. HEALY, in moving to increase the valuation of the property to which the clause would apply from £30 to £50, said this alteration would increase the number of tenancies coming within the operation of the clause by 37,000, and he hoped the Government would consent to that enlarged limitation.

Amendment proposed, in line 3, leave out "thirty," in order to insert "fifty."  
—(Mr. Healy.)

Question proposed, "That the word proposed to be left out stand part of the Clause."

MR. W. E. FORSTER regretted that he could not accept the Amendment. The large majority of the tenants in Ireland were at and under £30 valuation, and he believed that £30 practically did all that was necessary. The proposal would have the effect of bringing in an immense increase of tenancies, and he believed that £30 valuation was, on the whole, more than £40 rent. The limit of £30 would, on the whole, act with the least risk, and he must adhere to it.

Amendment, by leave, *withdrawn*.

SIR ALEXANDER GORDON, in proposing to substitute £10 for £30, said that he did this because £10 valuation would cover all tenants who had any real difficulty in paying their rent. He found in a Return of the horses kept by agricultural tenants in 89 distressed districts scheduled last year that there had been an increase of agricultural horses, and in horses for amusement and recreation, to the extent of 7,333. That was the net increase, after deducting the decrease; and he maintained that if in these alleged distressed districts of Ireland the agricultural tenants could increase their horses for agricultural and other purposes to that extent, they could be in no great distress, and ought to be able to pay their rents. The real fact was, that in many cases the tenants, although they pretended that they could not pay their rents, were buying horses for their own amusement; and a friend of his had told him he had ascertained that one of his tenants, while he said he

could not pay his rent, was at the same time keeping three hunters. That being so, he did not see why the taxpayers of England and Scotland should be called upon to pay an advance of money in order to enable the farmers of Ireland to keep hunters. He had another Return showing the increase of agricultural horses since 1875, and he found that in every single county in Ireland there had been an increase in the number; and the total amount of the increase was no less than 31,871. Did that indicate any great distress? It indicated one continuous course of prosperity up to 1877. Last year, when the Chief Secretary for Ireland introduced his Distress Bill, the right hon. Gentleman stated that up to 1877 there had been no question as to the prosperity of Ireland. Another Return showed that last year in the distressed districts of Ireland there was an increase of every item of live stock except pigs. There was an increase in horses, in sheep, in cattle, and in mules and asses. Looking at these facts, he thought the tenants of those districts could well afford to pay their rents. The clause under consideration applied to the whole of Ireland; but he thought it would be right to restrict the action of the clause to tenants paying £10 a-year, because there was no doubt that they were in great distress. If the House adopted the £10 limit it would include 415,133 tenants, or two-thirds of the whole of the tenants in Ireland; and it would include the labourers, who were already crying out that nothing had been done for them. It was they who suffered so extremely. To show what the tenants were doing with these horses, he had a report of a monster meeting of tenants held at Boyle last evening, and he found that at that meeting there were 10 bands present, together with 200 horsemen. That was in one of the distressed districts. Then he found, also, that in the Poor Law Union of Boyle in 1879 the horses kept by the tenants increased by 123. This showed that the tenants could, if they chose, pay their rents, and he urged the acceptance of his proposal.

Amendment proposed, in line 3, leave out "thirty," and insert "ten."—(*Sir Alexander Gordon.*)

Question proposed, "That the word proposed to be left out stand part of the Clause."

MR. MACARTNEY observed, in reply to the hon. Member opposite, that the Government had so framed the clause that the weight of it would fall on the landlords of Ireland, and not on the British taxpayers. Supposing a tenant owed four years' rent, and was paying £25 per annum, the sum due to the landlord would be £100; but under this clause he must pay £25 in cash. Then the landlord received a loan from the State, which he had to repay in 15 years, at the rate of 3½ per cent. That disposed of £50 of the £100, and the other £50 had to be wiped out, the landlord giving a receipt in full for the amount of rent from the 1st of July, 1880. It was, therefore, the landlord who lost half his rent, and not the British taxpayer who suffered. The property of Ireland was very good security for the State, without even the collateral security of the Church Fund; and that Church Fund, he believed, would be sufficient to pay the whole demand made by the landlords.

*Amendment negatived.*

MR. PARNELL said, he rose to propose an Amendment which would extend the benefit of this clause to tenants who had been evicted since the 1st of May, 1880, in case the landlords agreed to re-instate them on terms to be mutually arranged between them for the payment of arrears. He thought his Amendment would facilitate mutual agreements between a great many evicted tenants and the landlords where the tenants had been allowed to remain as caretakers. He found from a Return that about half of the total number of evicted tenants since the Government had come into Office had been allowed to remain as caretakers. If, by the adoption of some such provision as this, such tenants were able to offer a compromise to the landlords in the shape of a payment of a portion of the rent due, the Government then advancing another portion, he believed that in a great number of cases these tenants would be re-instated, and would probably pay fair rents for many years to come.

*Amendment proposed,*

In line 15, after the word "advance," to insert "wherever in the case of any tenant evicted for non-payment of rent since the 1st of May 1880, the landlord agrees to re-instate

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such tenant on terms in this section set forth, this section shall apply as if such agreement had taken place between the landlord and tenant of the holding still in occupation."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said it was quite true that this proposal would not materially increase the liability of the Government. Everybody regretted the number of evictions, but the number was not so large that it could materially affect the amount of liability. He understood the hon. Member to say that in case of eviction, when the landlord was willing to re-instate, he would enable the terms of this clause to apply to the tenant and the landlord. There could not be any objection to that, because it might enable some of the hard cases to be met.

MR. BRODRICK hoped the Government would not be too much in a hurry to accept the Amendment. There were some landlords who had evicted their tenants with considerable difficulty, and he could imagine that in those cases great pressure might be put upon them to re-instate those tenants. He thought, considering that this was supposed to be a permissive measure, and that the landlords in these cases might have placed other tenants on the holdings, the effect of the proposal would be to encourage pressure being put upon the landlord to turn out the new tenant and re-instate the old tenant whom he had evicted. He really thought the right hon. Gentleman had not realized the full effect of this. He was not prepared at that time of the night, and because the Amendment had been more or less sprung upon the House, to argue it; but he thought the right hon. Gentleman should consider the proposal again, and not commit himself too hastily.

MR. W. E. FORSTER thought the hon. Member for West Surrey (Mr. Brodrick) had no reason to be alarmed. If a landlord re-instated a tenant, he would do so with the whole of the six months' repayment. Of course, the proposal could not mean that when a landlord had actually put another tenant into a holding he should then evict him. The landlord could not turn out the new tenant and put the old tenant in; but even if he did turn the new tenant

out, that would not re-instate the old tenant.

Question put, and agreed to.

MR. CHAPLIN said, he proposed to move an Amendment to line 19, to omit the word "landlord," and to insert the word "tenant." This was with the view of meeting the objection that had been pointed out by the hon. Member for Tyrone—namely, that the hardship of this clause would fall entirely on the landlord. So far as he could see, the objection was well-founded. It was true that the charge for the payment of the loan was to be considered, if necessary, an addition to the judicial rent, and possibly, in some cases, the loss would not fall on the landlord. But, unfortunately, there were cases in Ireland where the rent was not paid, and he would ask the Committee to consider the position of the landlord if the tenant did not pay his rent at the appointed time. At present there were some means of recovering the rent, if not paid; but there were always difficulties about it, and these difficulties would be increased by the Bill. It was nothing but fair to the landlord, seeing that the advances would be made in the interest of the tenant, that the tenant's interest should be responsible for payment, and it would save some confusion besides.

Amendment proposed, in line 19, to leave out the word "landlord," in order to insert the word "tenant."—(*Mr. Chaplin.*)

Question proposed, "That the word 'landlord' stand part of the Clause."

MR. W. E. FORSTER said, he really could not accept the Amendment. It would mean that the Commission would make advances of money to one man and take the payment back from another. The money, after all, would be advanced to the landlord, and he must be responsible for repayment. He would be a party to the charge, and it would remain a charge upon the land.

SIR STAFFORD NORTHCOTE said, he must challenge the statement that the money would be advanced to the landlord. The theory was that the tenant owed the money to the landlord, and the money was advanced to the tenant in order that he might pay the landlord.

MR. W. E. FORSTER said, what would be actually done would be to make an advance in the interest of the landlord. The whole idea of the thing was that the landlord would be tempted by the advance of ready money to make the tenant an allowance.

VISCOUNT FOLKESTONE said, it would be making the landlord security for a debt owed to himself.

MR. CHAPLIN said, the right hon. Gentleman had not answered his objection. It was all very well to say he could not accept the Amendment because the money would be advanced to one man and repaid by another; that only opened the question, to whom would the money be advanced? It would be in reality an advance to the tenant. It was not the landlord but the tenant who was in difficulties—the tenant owed the arrears. If the Chief Secretary for Ireland had given attention to the speech of the Prime Minister, he would have noticed that the Prime Minister said the advance would be in the interest of the tenant and no one else, and, that being the case, why should the landlord be called on for payment? Surely, the hon. Gentlemen who sat on the Benches opposite could not argue that the tenant had no security, for the whole gist of the Bill was to show that the tenant had a value in his occupancy. There could be no difficulty in making the advance a charge on the tenant's interest in his holding, if the Bill was worth the paper it was printed on.

MR. PELL said, that at the very commencement of the clause it was provided that the money should be lent on the joint application of landlord and tenant, so that the tenant would be quite as much a party to the matter as the landlord. Though in the later part of the clause the drafting became obscure as to whom the money was to be advanced, yet it was clear that the application for the advance would be made quite as much by the tenant as the landlord.

Question put.

The Committee *divided*:—Ayes 175; Noes 73: majority 102.—(Div. List, No. 318.)

MR. CHAPLIN said, he had an Amendment to propose to line 21. It was in the same direction as the one he had just moved; and he hoped the

Government would accept it, and they ought to accept it in their own interest, for he presumed they would wish that the clause should be taken in hand by the landlords, in order to enable the tenants to get rid of their arrears. Therefore, at the end of the section and after the word "rent-charge," he proposed to add the words "out of rent received from such holding." There was nothing unreasonable in that proposition, nothing beyond what was fair to the landlord. The Government could not wish to make the landlord responsible for advances made in the interest of the tenant in cases where he received no rent at all. He need not again remind the Committee of the difficulty of recovering rent in Ireland. If he were an Irish landlord, after the experience of the small support the Government gave for the recovery of rents from tenants who were well able to pay, nothing would induce him to avail himself of the clause as it stood.

Amendment proposed, in line 21, after the word "rent-charge," insert the words "out of rent received from such holding."  
—(Mr. Chaplin.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, he could not be expected to accept this. No one would take advantage of the clause if he did not wish it. The conditions would be known upon which the advance would be made, and one of those conditions was the payment by the tenant of one year's rent down.

MR. BRODRICK said, there was one small point to which he would draw attention. It was assumed that the landlord would get one year's rent down and take instalments from the tenant. But suppose the landlord had just died, and the executors of the will refused to make the bargain unduly to prejudice the incoming landlord, who had no reason to care for the arrears. The landlord then might start with the charge upon his estate, the tenant might have a bad year and be unable to pay, and the incoming landlord would be forced to pay to the State out of his own pocket a sum for which he received nothing.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) said, in point of fact it would be the tenant who would pay the money, the landlord

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would be only the agent to collect it. The advance would be made to the landlord by the State, an increment would be added to the rent which the landlord would receive from the tenant and hand over to the State.

MR. A. J. BALFOUR said, he could not reconcile that with what the Chief Secretary for Ireland said a few minutes before—that, in his view, the advance would be made to the landlord. Now, it was said that the landlord was to be only the agent for payment. But if the advance was made to the landlord, the landlord could not get out of his engagement he had entered into, nor could his successor; but his successor might have had no benefit from the Act. In other words, the landlord would be compelled to act on the conditions of a transaction from which he derived no benefit whatever. He would be more than an agent—he would be an agent obliged to fulfil all the engagements of the person for whom he acted.

MR. CHAPLIN said, the landlord had been spoken of as the man who received the rent; but the object of his Amendment was to meet the case of the landlord who did not receive his rent. He did not wish to put the Committee to the trouble of a division, nor to occupy time; but he wished to appeal to the Government to make some modification in the direction he had indicated. Where the landlord did not receive his rent, at all events, he might be allowed to defer payment of the interest or the loan until such time as he could take legal steps for the recovery of his rent.

MR. W. E. FORSTER said, the fact was that the clause would not come into operation until the landlord and tenant came to an agreement.

MR. TOTTENHAM said, it had not been in any way explained what was to occur if the tenant did not pay his instalments. Many bad seasons and years might occur similar to those which had recently occurred. The State would look to the landlord for payments; but suppose the landlord could obtain no payment from the tenant, what was to be the landlord's position?

MR. W. E. FORSTER said, in that case, the landlord would certainly have made a bad bargain.

LORD RANDOLPH CHURCHILL said, it was all very well for the Chief Secretary for Ireland to speak gaily of

*The Solicitor General for Ireland*

the landlord's bad bargain; but if the rent were paid without the additions, would the landlord have the right to effect a sale of the tenant's interest?

MR. W. E. FORSTER: Certainly.

Question put, and *negatived*.

MR. HEALY said, he wished to amend the date for making the applications from December 31, 1881, to May 1, 1882. He did so because the whole scheme of the Bill would take some time to get into working order, and he thought that December would be found much too soon to make the application. There was a remarkable admission from the right hon. Gentleman the Chancellor of the Duchy of Lancaster, when he stated his opinion that the Commission would scarcely do anything under the Bill during the last three months of the present year. Under the circumstances, then, he thought the Government might allow the extension of time he proposed. There was really no principle involved in this slight extension of time.

Amendment proposed,

In line 40, to leave out the words "thirty-first day of December one thousand eight hundred and eighty-one," in order to insert "first day of May one thousand eight hundred and eighty-two."—(Mr. Healy.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. E. FORSTER said, that, in fixing the date, the matter was considered a good deal with the object of fixing a date at which another gale day did not come in. That would not be affected if the date were prolonged to February 28th, and he would agree to that date.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER said, that, with the object of inserting the date he had mentioned, he would move the omission of "December 31, 1881."

Amendment proposed,

In line 40, to leave out "December thirty-one one thousand eight hundred and eighty-one," and insert "February twenty-eight one thousand eight hundred and eighty-two."—(Mr. W. E. Forster.)

Amendment *agreed to*.

SIR GEORGE CAMPBELL proposed to omit the last sub-section of the clause,

and said his objection was not so much as to what it did do as to what it did not do. He thought the Committee would expect that the money should be provided from the Church Fund; but now, it seemed, it was to be provided from some other source. He understood that the Government had undertaken to consider the point raised by the hon. Member opposite with regard to the Church Fund; and he would ask whether, having undertaken to consider a so much larger question, it was worth while to insert this very small provision, and so, to a certain extent, pre-judge the question?

Amendment proposed, in line 43, leave out "the" to the end of the clause."—(*Sir George Campbell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. E. FORSTER said, the result of this Amendment would be that the security of the Church Fund would not be taken. The Government looked forward to the fund being made available, and he could not, therefore, accept the Amendment of the hon. Member.

SIR GEORGE CAMPBELL was glad to understand that his point was not exactly out of the question; but one other objection he had to the clause was that £11,000 chargeable to the Irish Church Fund was to be remitted. He should like to know what was really the purpose of the Government, for last night there was an ominous announcement made in "another place."

Amendment *negatived.*

LORD RANDOLPH CHURCHILL, in reference to the Prime Minister's remark that the landlords would have a difficult duty to perform in regard to the tenants, urged that the landlords ought to be left quite free; and unless the words he would propose to insert were adopted, the tenant could go into the Court to get the rent fixed, with arrears hanging over him, saying that he had proposed to the landlord to take advantage of the Bill, but that the landlord had refused to do so, and so had acted unreasonably.

Amendment proposed,

At the end of the Clause, to add "Provided always, That, with reference to any of the par-

ties to this Act, the Court shall in no case consider the conduct of any landlord or tenant in refusing to do any act, or enter into any agreement, for the purpose of bringing any holding under the provisions of this section, to be unreasonable."—(*Lord Randolph Churchill.*)

Question proposed, "That those words be there added."

MR. W. E. FORSTER did not see that the Committee could put themselves in the position of the Court, and it would be almost ludicrous to say that the Court should decide what was reasonable or unreasonable, and then for the Committee to define what was unreasonable.

SIR STAFFORD NORTHCOTE: It seems to me rather a severe measure to refuse to accept this Amendment, because I understand my noble Friend to propose that whereas this clause is held out by the Government as being entirely voluntary on both parties, he wishes to take care that it shall be really voluntary. Under certain circumstances, the landlord might find himself a loser; and when it was asked what the landlord should do in that case, the right hon. Gentleman said he would have made a bad bargain. In such cases the tenant is entitled to say that the landlord is unreasonable. I submit that this clause is really only put into language which we understood to be the intention and meaning of the Government.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) said, both sides were agreed that the landlord should be a voluntary agent in any action under this clause, and unless he chose to join in such action, an application could not be made. The Court, under the 8th section, would have to consider all cases of unreasonable conduct on the part of the landlord and of the tenant; and if the Bill defined to the Court one instance in which it was to be divested of its discretion, the Bill must go on and define it in every instance. It was much safer and better, having constituted the Court, to place confidence in it that it would exercise the discretion with which it was invested honestly and fairly, and to leave undefined what the Court might or might not define as unreasonable according to the facts.

MR. OHAPLIN thought the hon. and learned Gentleman had answered himself in his own speech; but the Chief Secretary for Ireland had said that, having appointed the Court to consider

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a vast number of matters, whether reasonable or unreasonable, it would be out of place to step in and take questions out of their view. The whole object of the Amendment was to place these questions entirely beyond the Court, who were to have nothing to say on the subject. He understood the argument of the right hon. Gentleman opposite to be that the Court could, if they considered the conduct of the landlord unreasonable, make the acceptance of this clause compulsory upon him. That was an important question which could not be decided that night. It was a complete departure from the object of the clause as they were led to understand by the Government in the first instance. There had been no explanation from the Government, and, in order to give the Government time to consider this new phase of the matter, he would move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Chaplin.)*

MR. W. E. FORSTER said, he thought the hon. Member would hardly mean to insist upon his Motion.

LORD RANDOLPH CHURCHILL hoped Progress would be reported to give the Government time to consider this question. One reason for the Amendment was the object it had effected—namely, to show the cloven hoof. This was the beautiful voluntary arrangement of the Government. If the landlord did not accept the clause, the matter was to be referred to the Court, to say whether he was right or wrong. Then, the Government desired it to be purely voluntary; but it was nothing of the kind, and he was glad that that had been discovered.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) thought the noble Lord was under a misapprehension, and did not realize what were the cases in which the conduct of the landlord would come before the Court. It would be difficult to suggest any application which the landlord could make to the Court, which it would be possible for the Court to refuse on the ground that the landlord had not entered into this arrangement, because the reasonableness of such proposed arrangement or conduct did not come before the

Court at all unless the landlord joined in the application. If the tenant alone made an application to the Court it would be refused, not on the ground that the landlord had unreasonably refused to join in it, but on the ground that the landlord did not join in it, and therefore the provisions of the section did not apply and could not be acted on. It was always dangerous to put a provision of this kind in one place and not in another, and no case had been suggested of any application to the landlord to which this clause had any reference. The Government need not be charged with any sinister motive.

MR. WARTON hoped the Motion would not be pressed, because he did not think the Amendment would be out of place in this case.

MR. PARNELL said, he could not pretend to even guess whether the refusal of the landlord to consent to a proposal of the tenant with regard to arrears could be considered by the Court as unreasonable conduct; but he should like to put a case which had not presented itself to the noble Lord. The Amendment did not alter the Bill in the slightest degree in regard to the Court refusing an application of the landlord, on the ground that his refusal to agree to the tenant's proposal was unreasonable. Nor could it be said to alter the position of the landlord. This clause provided that in the event of the landlord and tenant agreeing to an application, the Court should make an advance to the tenant of one year's rent, in order that he might pay the landlord one year's rent; and he did not think the noble Lord was right in asking on behalf of the landlords that the Bill should be altered. The Bill gave the landlord benefits and also the tenant, by advancing one year's rent as arrears; and if the landlord refused to make this arrangement with the tenant he was taken out of the operation of the Bill. With regard to the action of the Court as to what was unreasonable, it simply empowered the Court to give an advance of one year's rent, and he did not see how any claim could be set up by the landlord if he was liable as the Bill stood to have his conduct considered unreasonable.

MR. W. E. FORSTER said, he would promise that the Government would consider this matter on Report. He wished to point out that if a tenant was unable

*Mr. Chaplin*

to pay, and the landlord applied to the Court, the tenant could apply to the Court to stay ejectment, and the Court could stay ejectment whether there was a judicial term or not. If a tenant did not pay, the landlord would evict him; but the tenant could plead that he could have paid the rent if the landlord had made an arrangement such as that proposed by the Government.

MR. MACARTNEY said, he believed the clause would be almost obligatory, because although it said that the landlord and tenant might agree to go into Court, if the landlord objected to do so he would be held up to public opprobrium. Still, he accepted the clause, because it was advantageous to the country; and he believed nothing could be more detrimental to the country than to leave the tenants with a kind of millstone round their necks, with five or six years' of arrears which they could not possibly pay. He thought the landlords would accept this clause, although at a loss.

MR. CHAPLIN explained that he had not moved his Motion to delay the Bill, but because he was most anxious that this point should be cleared up before further progress was made. If the Committee would recollect how many cases had happened since 1870, he thought they would admit the propriety of the course he had taken. When he first read the words "the joint application of the two," he thought them satisfactory; but his views had been entirely swept away by the two speeches of the two right hon. Gentlemen opposite, which appeared to indicate that in certain circumstances the Court might be called upon to decide on the unreasonableness or reasonableness of the case before it, and if that were done it would entirely alter the Bill. If the Government would consent to do this, either at the present stage or on another stage of the Bill, and make it perfectly clear that under no circumstances would the conduct of the landlord be called into account as to the reasonableness or unreasonableness of his decision, then he would withdraw his Motion. It should be a purely voluntary arrangement on the part of the landlord with which the Court should have nothing to do.

MR. W. E. FORSTER said, it was entirely the intention of the Government that neither party should be in any way

prejudiced by anything that happened in regard to this offer. He did not think that the landlord or the tenant should be put in a worse legal position, and, if necessary, he would prepare words putting that point beyond question. But, for his own part, he did not think it was necessary. It was not intended, under the section, that the offer should be more than a voluntary one, and the Government did not wish that either party should suffer because of a non-acceptance of the offer.

LORD RANDOLPH CHURCHILL said, he would raise the matter again on Report.

MR. W. E. FORSTER said, he would consider as to whether there was any doubt as to the intention of the Government having been fulfilled. That intention was that neither party should be damaged by not accepting the offer.

MR. CHAPLIN said, he was ready to accept the assurance that the Government would make it quite clear that the offer was to be a voluntary one, and would insert words to that effect, if necessary, and begged to withdraw his Motion.

LORD RANDOLPH CHURCHILL said, he would withdraw his Amendment. Of course, if there were not some words of limitation the Court would hold that it had jurisdiction.

Motion, by leave, *withdrawn*.

Amendment, by leave, *withdrawn*.

Question, "That the Clause, as amended, stand part of the Bill," put, and *agreed to*.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill*.)

MR. W. E. FORSTER said, there was only one other Government clause; but as he understood the Prime Minister would prefer to move it himself, he would agree to the Motion.

MR. HEALY said, it would be convenient to have the Bill re-printed with the Amendments, so far as it had gone, for there would be but a short interval for consideration before Report.

Motion *agreed to*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

[*Thirty-second Night.*]



RIVERS CONSERVANCY AND FLOODS  
PREVENTION (*re-committed*) BILL.

(Mr. Dodson.)

[Lords.] [BILL 120.] COMMITTEE.

Order for Committee read.

MR. PELL said, would it not be more convenient to take a later day than Monday for the Bill? It was understood that, after the Land Bill, Supply would be proceeded with, and the Transvaal question came on for discussion on Monday. There were a great many objections to the Bill, and it had been blocked by Notices of opposition. Would it not be better to put it down for a day when there would be some probability of it being reached?

SIR WILLIAM HARCOURT said, the Bill would be put down for Monday, not with any intention or expectation of its being taken then, but simply because it was a more convenient method of dealing with the Orders.

MR. PELL said, if hon. Members had the assurance of that, there was no objection.

SIR WILLIAM HARCOURT said, he could give that assurance.

Committee *deferred* till Monday next.ENTAILED ESTATES CONVERSION  
(SCOTLAND) BILL.—[BILL 203.]

(The Lord Advocate, Secretary Sir William Harcourt.)

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE (Mr. J. M'LAREN) said, when this Bill was last mentioned he was asked by the hon. and gallant Member for South Ayrshire (Colonel Alexander) whether the Government intended to proceed with it. The Bill had been brought in at the request of Members from Scotland, and the only Notice of Amendment was not from a Member of that part of the country. He did not like to abandon the hope of proceeding with the Bill, but, unless progress was made with it within the next few days, it would have to be dropped.

Second Reading *deferred* till Monday next.PUBLIC LOANS (IRELAND) REMISSION  
BILL.—[BILL 212.]

(Mr. Chancellor of the Exchequer, Lord Frederick Cavendish.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Lord Frederick Cavendish.)

MR. RYLANDS said, that he understood that although Notice of opposition had been placed against this Bill, it being a Money Bill, the Notice did not prevent it being taken.

MR. SPEAKER: As the hon. Member is aware, the Resolution with regard to opposed Business does not apply to Money Bills; and, therefore, does not apply in this instance.

MR. RYLANDS said, he quite understood that, and he rose in the full belief that it was competent for the House to consider this Bill and resolve itself into Committee. His object in rising was that he thought the House should not proceed with the Bill without distinctly understanding the remarkable circumstances under which it was rendered necessary. The Bill was read a second time at 2 or 3 in the morning, and the Government gave no explanation of it, nor were they asked to do so; but subsequently to the second reading a Paper had been issued giving the history of the transactions under which the House was called upon to pass the Bill, and to wipe off as a bad debt no less than £1,200,000 advanced under an Act of Parliament 50 years ago to relieve the tithe owners of Ireland. The owners of the tithes in Ireland at that time were in great difficulties arising out of the collection of tithes, and applied to the Government to render them assistance, which the Government did by advancing on loan large sums of money. These loans were chargeable on the tithes, and the tithe owners undertook to repay them in five annual instalments. The Government, with great benevolence, allowed them £1,000,000 without interest. But the point he wished to draw attention to was this. He was quite sure that if Parliament in those days had been asked to make a grant to the Church of Ireland, that would have been refused, no doubt, by the House of Commons as unreasonable, as the Church of Ireland,

with its endowments, then existed. But it was advanced in the form of a loan, and his complaint was that whoever were responsible for seeing the provisions of that Act of Parliament carried out, and that the loan was repaid in five yearly instalments, were guilty of a gross breach of duty in not seeing that the payments were made. Parliament granted the loan for purposes and upon security with which it was satisfied; but if a Public Department was to act in the manner it had acted with regard to this large sum of money, then the House of Commons had not the slightest guarantee that when large sums of money were advanced to Ireland that they would ever be repaid; and he ventured to declare that a transaction so extraordinary was a discredit to every Government Department charged with the application of the public money. Of course, after a number of years, this sum of money raised by the issue of Exchequer Bills was funded, and appeared to have gone out of the view of Parliament, and now Parliament was asked to write it off as a bad debt. In his opinion, this sum should have been made the first charge on the Irish Church Surplus, and it was a matter of wonder to him that at the time of the Irish Church Act nothing was done to secure the payment of this sum. It was entirely overlooked in 1870, and since then Parliament had been making use of the Church Surplus for various purposes, amongst the rest to assist landlords by letting them have loans from the Church Surplus at absurdly low rates of interest, and, at the same time, this large sum of money was reasonably the first charge on the Surplus. The Treasury said they considered it their duty to be vigilant in vindicating the rights of the State, otherwise grants of public money would be obtained where Parliament had no intention of making such grants, and with that he quite agreed; but where had been the vigilance in this case, and what did they do to get the money? If it was the duty of the Department to look after the public money, he did not think the House should be willing to agree to a Bill to wipe off such a sum as a bad debt. At all events, he had called attention to the remarkable circumstances of the case, so, discreditable to the administrators of the public funds, and it should be a warning to the Government

and to the House not to lightly lend money without at the same time taking care that there was sufficient security for repayment to prevent the country ultimately becoming such a great loser.

LORD FREDERICK CAVENDISH said, the hon. Member had done good service in calling attention to the large remissions in the Bill, and pressing on the attention of the House the danger of making these loans. In looking back at the debates that occurred when the last of these loans was made, he did not find that it strongly excited the attention of the then House of Commons. It was quite clear at that time that there was small doubt that the money would be recovered. It had stood in the accounts as a good debt until the present time, and he did not think it was altogether creditable to the national book-keeping that it should have stood so long on the books when so few payments had been made during the last 40 years. As to recovering it from the clergy, that was absolutely out of the question. Whether, on the other hand, it would have been wise to make it a charge on the Church Surplus Fund he would not say; but it could not be done now, and he believed the best course would be to do what any good business man would do—wipe off the debt.

MR. A. J. BALFOUR said, he supposed it would be admitted it was a bad debt. The noble Lord was placed in an unfortunate position, having to bring in a Bill for the remission of an old loan on the very night when the Government, against a strong opposition, was pressing the expediency of granting a new loan.

MR. HEALY said, it was the friends of the hon. Gentleman (Mr. A. J. Balfour) who were the cause of the Bill. This £1,000,000 went to the Irish landlords, and it was because of that that the House was now called upon to make the remission. Two years ago, under the Relief Act, another loan was made to the landlords out of the Church Surplus Fund, and he would venture to say that at some future date the State would have to make this good. All the money went to the landlords, not a penny of it to the tenants, and the Irish people continued to pay the tithes till they were extinguished. If these loans had been made to the tenants, they would have been screwed out to the uttermost

farthing without mercy, and the tenants would have been turned off to America or elsewhere.

LORD FREDERICK CAVENDISH remarked, that these loans were not made to landlords, but to the persons interested until the arrears of tithes could be raised.

MR. HEALY said, the loans were not made directly to the landlords, but it was the compensation under which they undertook to pay the tithes.

*Motion agreed to.*

Bill considered in Committee, and reported, without Amendment; to be read the third time *To-morrow*, at Two of the clock.

STATUTE LAW REVISION AND CIVIL  
PROCEDURE BILL—[*Lords.*]  
(*Mr. Attorney General.*)

[BILL 219.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

MR. WARTON objected.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he hoped the objection would not be pressed. The Bill was simply to repeal several obsolete statutes that had fallen into disuse, and they were mentioned in the Schedule. These had been reported upon by the Statute Law Revision Committee, and the Lord Chancellor had gone carefully through them. It was only want of time that had prevented the Bill being brought forward earlier.

MR. WARTON said, he objected on principle. This was the eighth or ninth time that the Government had proposed important Bills at such an hour.

MR. T. P. O'CONNOR asked if among the obsolete statutes, any Irish Acts were included?

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the Bill did not apply to Scotland or Ireland.

MR. T. P. O'CONNOR said, he did not know whether he had any right to oppose them; but he should certainly oppose the Bill. He had himself ventured to bring in a Bill for the repealing of some Acts that still existed in Ireland, and which contained, among others, a provision that if an assemblage of 12

persons did not disperse at the summons of a justice they were liable to sentence of death. Of course, this portion of the Act was never carried into effect; but there were other portions of statutes which were almost as inimical to the spirit of the times, and were made use of by the Law Officers under barbarous statutes that had never been repealed. The Colleague of the right hon. Gentleman, the hon. Baronet the Member for Bath, had put down a blocking Notice against the Whiteboy Acts Repeal Bill; and as the Government had treated him in that scurvy manner, he thought he was within his rights and equities in treating them in a somewhat similar manner. He objected to this Bill, and, if in Order, he would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. T. P. O'Connor.*)

MR. WARTON asked whether it was not the case that if the Bill was not printed it could not be brought forward?

MR. SPEAKER: I cannot say so positively.

SIR WILLIAM HARCOURT thought the hon. Member (Mr. T. P. O'Connor) had misapprehended the object of this Act. There were two forms of this repealing Act; but no question of policy was now involved, and as the useful work done under this Act had gone on so long, and that the end of the Session was near, he hoped the House would pass the second reading.

MR. DILLWYN stated that the Bill had been printed. Its object was to repeal obsolete Acts, and he thought the object of the House should be to clear the Statute Book of those Acts.

MR. HEALY said, that the object of his hon. Friend's Bill was to repeal what were not operative Acts. The Whiteboy Acts were not operative till the present Chief Secretary made them so, and did his (Mr. Healy) the honour of trying his under those Acts, by which he might have been sent to penal servitude for life, and twice or thrice privately whipped. He should support the Motion; and he would ask the Government what advantage they would gain by reading the Bill a second time, now seeing that it would be blocked for Committee.

*Mr. Healy*

Question put.

The House divided :—Ayes 5 ; Noes 71 : Majority 66.—(Div. List, No. 319.)

Original Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

#### REMOVAL TERMS (SCOTLAND) BILL.

(*Mr. James Stewart, Dr. Cameron, Mr. Patrick, Mr. Mackintosh.*)

[BILL 8.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

MR. A. J. BALFOUR hoped the Bill would not be proceeded with, for there were several Amendments on the Paper which would require to be debated at some length, and others not on the Paper would be moved. The House had been sitting from 4 o'clock until half-past 2 without intermission, and would meet again at 2 o'clock. It was rather too much to expect the House now to discuss a Bill of this kind, and he would move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. A. J. Balfour.*)

MR. ORR-EWING hoped the Motion would be agreed to, for this was a very important Motion, and he did not think it was fully understood by even the Scotch Members. The ostensible object of the Bill was to create a uniformity of terms of removal; but it had no effect on the leases of agricultural holdings. It entirely affected insolvent property, and would not establish uniformity in removal. He was as anxious for that to be effected as the hon. Member for Greenock (*Mr. J. Stewart*), but this Bill would not accomplish that object. The Bill would have serious effects, and he thought it ought to be discussed when there were more Scotch Members present, and there was more time. He would advise the hon. Member to defer the Bill till next year, when a Select Committee could be appointed to investigate the subject.

SIR WILLIAM HARCOURT suggested to the hon. Member for Greenock (*Mr. J. Stewart*) that, perhaps, it was not

much use going on with the Bill now. There had been great complaints this Session of the difficulty of getting any Scotch Business done; but there were two Scotch Members—the hon. Member for Dumbarton (*Mr. Orr-Ewing*) and the hon. Member for Ayrshire (*Colonel Alexander*)—who were fatal to every Scotch Bill at every stage, and, therefore, he would not advise any Scotch Member to attempt to go on with any Scotch Bill.

MR. W. HOLMS said, that, notwithstanding the remarks of the right hon. Gentleman, he would ask the hon. Member for Hertfordshire (*Mr. A. J. Balfour*) to withdraw his Motion. The Bill was very much wanted in Scotland, and the only Member opposing it was the hon. Member for Dumbarton, and he had little sympathy from the Scotch Members generally. There was practically only one Amendment on the Paper, and he did not think the Bill ought to be delayed.

COLONEL ALEXANDER said, he hoped the Committee would accept the advice of the Home Secretary, as there were several Scotch Members who would have to come down again at 12 o'clock to attend Committees. He wished every Government to bring on Scotch Business, but at an earlier hour.

MR. J. STEWART said, he regretted that he could not accept the Home Secretary's advice, and, considering all the circumstances of the case, he hoped the Committee would admit that, in justice to those who were interested, they ought to proceed.

MR. M'LAGAN stated that the Bill had the sympathy of the Scotch Members generally. The Bill proposed to create four new statutory terms, which were very much wanted; and he had received only one communication in opposition to it.

MR. ORR-EWING said, that not a single Petition had been received from any of the Scotch counties in favour of the change proposed by the Bill, while 10 counties had declared in favour of the Amendment of which he had given Notice.

MR. A. J. BALFOUR said, there was no agreement on the Bill; the debate had been sufficient to prove that. Scotch Members showed a great difference of opinion, and there was not the slightest proof of any enthusiasm for the Bill. It

was exactly one of those measures that raised a great many points of controversy without exciting any ill feeling.

Question put.

The Committee *divided*:—Ayes 15; Noes 39: Majority 24.—(Div. List, No. 320.)

MR. R. N. FOWLER said, it was now nearly 3 o'clock, and, after what had been said by the right hon. Gentleman opposite, he thought he was justified in moving that the Chairman do leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. R. N. Fowler.*)

MR. O'KELLY begged to support that Motion.

Question put.

The Committee *divided*:—Ayes 12; Noes 40: Majority 28.—(Div. List, No. 321.)

COLONEL ALEXANDER said, he would not discuss the Bill. It was full of contentious matter, and that was not the time to consider it. He moved that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Colonel Alexander.*)

MR. W. HOLMS appealed to his hon. Friend not to force a third division, as there was practically only one Amendment on the Paper to the Bill.

MR. A. J. BALFOUR remarked, that hon. Members opposite must surely see the Bill could not be discussed at such an hour. The hon. Member for Paisley (*Mr. W. Holms*) said there was only one Amendment on the Paper. That was perfectly true; but he believed there was another Amendment which was not on the Paper. But the Amendments on the Paper proved that it was a Bill that gave rise to the greatest local difference of opinion, and it must be seen that there was no enthusiasm in favour of the Bill.

MR. FRASER-MACKINTOSH said, he was sorry to see so much opposition. The Bill had already been discussed at great length for a Scottish question this Session, and the hon. Member for Dumbarton (*Mr. Orr-Ewing*) had stated his

views at considerable length this evening—views in which, judging from a correspondence lately published, he was at issue with a considerable number of his supporters in Dumbarton. The great majority of Scottish Members were in favour of going into Committee; and, seeing that the Bill might have been discussed in Committee, and almost passed in the time already occupied by this wrangle, he did not think they were carrying out the prevalent idea that Scottish Members were good men of business. Let the next division decide the difference of opinion, and then let the Committee proceed.

MR. ORR-EWING said, as to the large proportion of his constituents being in favour of the Bill, his information was entirely the reverse. They had the same terms in Dumbarton that they had had for 200 years, and the same could be said of Ayrshire, Stirlingshire, Bute-shire, Clackmannan, Rosshire—all the important agricultural counties. It was quite a mistake to say the feeling of Scotland was against his Amendment—the very reverse was the case—and he knew that the Government were so taken by surprise by the success of the hon. Member for Greenock (*Mr. J. Stewart*) in getting his Bill through on the previous day that they had not had time to put their Amendments into print. Certainly, the hon. Member had stolen a march upon him the day before, for he clearly understood that the Bill would not be taken without the opportunity of discussion; and, relying upon that, he was not actually in the House, though he was in the Library, when he was surprised to learn that the Speaker had left the Chair. It was a most unusual proceeding to attempt to proceed at 3 in the morning with a Bill to which the Government had important Amendments not yet printed.

MR. J. STEWART said, he regretted to occupy time without practical result; but he was bound to say the statement just made was unwarranted. There was no understanding, except that no attempt should be made to pass the Bill without discussion. But when the discussion was raised the hon. Member refused to join in it, and made obstructive Motions, from which it might be inferred he feared to face the discussion, and was afraid his Amendment would be lost. He had not occupied the time

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of the Committee by attempting to answer the various statements made; but he might confidently say that if any hon. Member would only look at the Reports of Petitions, it would be seen that Scotland, with the greatest unanimity, was in favour of the Bill.

Question put.

The Committee *divided*:—Ayes 12; Noes 39: Majority 27.—(Div. List, No. 322.)

Motion made, and Question proposed, "That the Preamble be postponed."

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Warton.*)

MR. FRASER-MACKINTOSH said, that he thought the feeling of the Committee had been sufficiently tested, and he would recommend that the Motion should be withdrawn, and then that the Motion to report Progress should be accepted.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members found being present,

Question put.

The Committee *divided*:—Ayes 12; Noes 40: Majority 28.—(Div. List, No. 323.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Orr-Ewing.*)

EARL PERCY said, it was obvious that the feeling against the Bill was strong. Though in numbers the minority was weak, yet it was a minority which represented the views of many who were absent.

MR. DICK-PEDDIE said, he trusted now that the Motion would be agreed to, for sufficient determination had been shown by the supporters of the Bill. If hon. Members had allowed the discussion to go on it would have by that time been concluded.

MR. ORR-EWING, said the Government Amendments had not been printed, and the Government had advised the hon. Member in charge of the Bill to give way to the Opposition, although they had not followed their own advice in practice, for they had gone into the

Lobby against the Motion to report Progress.

SIR WILLIAM HARCOURT said, the hon. Member was rather mistaken in the view he took. The advice he (Sir William Harcourt) gave was, that when the Opposition was led by such past masters in the art of Obstruction as the noble Lord the Member for Northumberland (Earl Percy) and the hon. Member for Hertford (Mr. A. J. Balfour), it was hopeless to attempt to go on with Business. These two hon. Members had outdone all that Irish Members had achieved against Bills. The noble Lord was an acknowledged master in the art. It was no use, having reached a certain point, going any further, and he hoped now that the hon. Member for Greenock would abandon the contest. The course he had taken in voting was to do his best, in common with the majority of the Committee, to transact Business.

MR. A. J. BALFOUR said, the right hon. Gentleman, as Leader on that occasion, and as on all occasions, never got up without adding bitterness to a debate he meant to calm, and prolonging a discussion he meant to shorten. The right hon. Gentleman said that the minority had entered on a course of persistent opposition of so obstinate a character that it exceeded all that had been done by Irish Members. Did he then think it would justify the *clôture* in favour of the Scotch Removal Bill? He had never yet heard such extreme language used towards opposition to a Bill of importance being discussed at an unreasonable hour. He was surprised that the hon. Member for Swansea (Mr. Dillwyn), who in all previous Parliaments was a master of what the right hon. Gentleman called Obstruction to Business being taken at 2 o'clock in the morning, should have voted with the majority.

MR. T. P. O'CONNOR said, he trusted that the hon. Member for Greenock would not take the advice given him. It was a luxury to sit up all night, especially when engaged in putting down Obstruction. Why not continue? The course adopted by hon. Members on that side of the House was, he thought, rather unreasonable. He might quote from a famous speech, which was directed against himself, amongst others, and say they had heard a repetition of speeches, without one idea or thought,

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a course calculated to degrade this noble Assembly. For his part, he was determined to save that noble Assembly from the degradation of obstructive tactics. There was the right hon. Gentleman opposite (Sir William Harcourt) who, as Leader of the House for the moment, and as one with whose aspiring character they were all familiar, he was sure would, for the enjoyment of Leadership, stop up for two or three hours yet. Then there was the noble Earl (Earl Percy) occupying his position on the Front Bench as Leader of the Opposition, and then the Chairman (Mr. Courtney) was enjoying the new experience of the easy dignity of the Chair. Why not proceed under such pleasant circumstances?

MR. DILLWYN said, though he had been ready to obstruct Business when brought on at the end of a late Sitting, it was always after arguments had been adduced against proceeding. Nothing of the kind had he heard on this occasion.

MR. FRASER-MACKINTOSH said, that more than 20 minutes before he had suggested to the hon. Member for Greenock to accede to a Motion to report Progress, and his hon. Friend was prepared to do so; but he had hardly sat down before the noble Earl (Earl Percy) moved a count, therefore on him rested the delay of the last half-hour. He hoped now that the Motion would be agreed to.

MR. J. STEWART said, if he thought that hon. Members generally shared the pleasure in sitting up that the hon. Member for Galway (Mr. T. P. O'Connor) expressed, he would be ready to go on; but, as he did not think that was the case, he would consent to Progress being reported.

COLONEL ALEXANDER said, if the hon. Member for Swansea (Mr. Dillwyn) had listened to the hon. Member for Dumbartonshire (Mr. Orr-Ewing), he would have known that in the course of his speech he was interrupted by the hon. Member rising to Order, and asking if it was in Order to discuss the merits of a Bill on a Motion to report Progress. Therefore, for that reason alone, had he with others been prevented from urging arguments against Bill.

EARL PERCY said, he must apologize if he stood in the way of a shortening of the discussion by the Motion he made to have the Committee counted. He

*Mr. T. P. O'Connor*

thought, at the time, it was the shorter way of terminating a struggle which all agreed now should close.

Committee report Progress; to sit again *To-morrow*.

#### DRAINAGE (IRELAND) PROVISIONAL ORDER BILL.

On Motion of Mr. JOHN HOLMS, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, ordered to be brought in by Mr. JOHN HOLMS and Lord FREDERICK CAVENDISH.

Bill presented, and read the first time. [Bill 220.]

#### PUBLIC WORKS LOANS [ADVANCES].

Committee to consider of authorising further advances out of the Consolidated Fund of the United Kingdom to the Commissioners of Public Works in Ireland for the promotion of Public Works (Queen's Recommendation signified) *To-morrow*.

House adjourned at a quarter after Three o'clock.

### HOUSE OF LORDS,

*Friday, 22nd July, 1881.*

MINUTES.]—PUBLIC BILLS—*First Reading*—British Honduras (Court of Appeal)\* (167); Customs (Officers)\* (168); Cottiers and Cottars (Dwellings) (174).

*Third Reading*—Supreme Court of Judicature\* (171), and passed.

#### COTTIERS AND COTTARS (DWELLINGS) BILL.

BILL PRESENTED. FIRST READING.

LORD WAVENEY, in rising to present a Bill to provide sanitary supervision and sufficient accommodation in the dwellings of the cottiers and cottier tenants of Ireland and of the cottars, crofters, or sub-tenants of the Islands and Highlands of Scotland, together with an adequate amount of ground cultivable as allotment or croft, said, he had to request a larger amount of indulgence at their Lordships' hands than was usually given to a noble Lord moving the first reading of a Bill, in order that he might explain the reason which had induced him to bring in a measure on the subject. The subject itself was one of the highest importance, and his Bill

was a development of legislation of which their Lordships would probably receive the results in the course of a week or 10 days. He did not wish, however, to suggest alterations in the legislation which had originated in "another place" until the Bill was fairly before their Lordships' House for discussion. What he proposed by the present measure was to direct attention to the sanitary condition of the dwellings of the cottier tenants and cottiers of Ireland, and of an analogous class in the Islands and Highlands of Scotland. He would in due course state the reasons which had induced him to combine both classes in one effort at legislation; but at present he would confine his remarks to the Irish cottiers. It was a matter of surprise to him that when the great effort was made to adjust the relations of the agricultural classes in Ireland no mention was made of the rights and position of the labouring classes except by one Member of the House of Commons—Mr. Philip Callan, the Member for Louth. The matter was brought under the notice of Her Majesty's Government, and their opinion was that, the Land Law Bill being of so much importance, it should not be overweighted by the introduction of any extraneous matter, as the question of the Irish labourers was at that time considered to be. But as time went on, it appeared that the labouring classes and their rights in Ireland had received a larger attention at the hands of the Government, which had resulted in special clauses being introduced on the subject of the accommodation of the agricultural labourers. This, however, was only a portion of the question. It was, doubtless, of the first importance, and the labourers had a right to expect, no less than the tenant farmers, that their dwellings and means of carrying on their industrial occupation should be satisfactory, and that they should have homes suitable to the high civilization of the present day. But there was another consideration, and that was to what his Bill referred—the position in which the labourers were placed by the circumstances under which their houses and accommodation were arranged. The means of health, life, and existence should be afforded so far as legislation could insure them, not only for the comfort and happiness of the poor and most helpless, but also as a matter of

security and protection for the general benefit of the community at large. What he meant was this—that if a class were so unfortunately situated that means of decent existence were not extended to them, it was clear that they would gradually form a class amongst whom would be found the seeds of disease, and such had been the condition of the labouring classes in Ireland in respect of their dwellings. The result had been that in Ireland a fever of an endemic character had become general. Some attempts had already been made with a faltering hand to meet the difficulties in Ireland. In Ireland there was but one specific Act on the subject, extending to all the labouring classes, and that was the 19 & 20 *Vict.* c. 65, which provided the means of recovering the rents of tenements which had certain sanitary advantages. That was an acknowledgment of evils; but it came at a stage later than it ought to have done. There should have been an initial process, by which it would have been possible to compel sanitary arrangements being made. There was a remarkable difference between England, Scotland, and Ireland in respect to this matter. The Artizans' and Labourers' Dwellings Act applied to England, and in every English Union frequent visits were paid to the cottages by the officer of the local sanitary board. In Ireland the powers of the corresponding Act which were given extended originally only to towns having Town Commissioners, such as Dublin, and in Scotland only to Edinburgh and a few other burghs. His object was to carry that power still further, and apply it to rural as to urban authorities. They wanted prompt and determined action on the part of the local sanitary authorities to carry the Act into effect by the aid of an independent officer. In Ireland he thought that was especially necessary. Since he had the honour of addressing their Lordships some weeks since, he had made it his duty to ascertain the position of the cottiers in that part of Ireland with which he was connected, and the result had been to show him that all who had a desire to see the condition of the peasantry improved were agreed as to the necessity for some such legislation as that which he proposed. Therefore it was that he brought forward this Bill. The reason why he had included the Islands

and Highlands of Scotland in the operation of the Bill was that in the year of the Great Famine of 1846, which was so devastating to Ireland, there was also a considerable amount of distress in Scotland. Finding that to be the case, he conceived that as this was a general Bill he thought it was better to deal with the sanitary condition of the cottiers and cottier tenants of Ireland and Scotland in one measure. The Scotch cottier or crofter, so long as he paid his rent, did not expect to be removed, and there was in a sense something like the Ulster system of fixity of tenure; but there was a system among them known as club farming, where a holding was divided among a certain number of proprietors. They each contributed towards the cultivation of the farm, and it was not for want of endeavour on the part of the occupiers of these districts that they failed. The sources from which he had derived his information induced him to believe that the state of the same class of people in Scotland was very much like that which prevailed in Ireland. A great deal of money had been expended in Scotland on the improvement of the crofters. As much as £810,000 had been expended at Stornoway; but it had not produced those good results which had been anticipated, nor had it improved the morals of the people. It was stated that a piece of ground of from four to six acres of arable land on which £6,000 had been expended, and it was able to maintain the cottier for only six months. He knew a district of a mile and a-half long and half-a-mile wide, where the health of the people suffered for want of sanitary arrangements. A house in that district stood on a rocky knoll; but for the want of sanitary care the house had become a den of fever. He had known cases where fever, to use a scriptural expression, had burned into the walls of the people. Now, he would like to direct their attention to similar dwellings in the Highlands of Scotland, where, although the air was clear and bracing, and there was an absence of that melancholy main of which they heard so much in connection with Ireland, there was also a low state of health which nothing but the absence of sanitary regulations could account for. His Bill was simply intended to secure inspection of the dwellings of the cottier class, and to insure that it would be per-

*Lord Waverley*

manent and perpetual. He could not say how much he was indebted to their Lordships for the hearing they had given him; and he would not further delay them by dwelling on other parts of his proposal, which, when the Bill came on for second reading, he would be prepared to explain.

Bill to provide sanitary supervision and sufficient accommodation in the dwellings of the cottiers and cottier tenants of Ireland and of the cottars, crofters, or sub-tenants of the Islands and Highlands of Scotland, together with an adequate amount of ground cultivable as allotment or croft—*Presented* (The Lord Waverley); read 1<sup>st</sup>; to be *printed*. (No. 174.)

#### CHURCH PATRONAGE (SCOTLAND).

Return stating the number of parishes in each county in Scotland of which the patrons upon the abolition of their rights of patronage have renounced the pecuniary compensation of one year's stipend of each parish to which they were entitled under the Act of 37th and 38th Victoria, chap. 82. (1874); also the number of parishes in each county in respect of which the patrons have retained their right to such compensation:

Also Return showing the total value of the compensation thus surrendered or retained respectively in each county by the patrons; also the total value of the compensation surrendered by the Crown as patron of Crown livings. The value of the compensation to be computed upon the average sum paid as stipends to ministers of parishes for the five years following 1874.—(*The Earl of Minto.*)

Ordered to be laid before the House.

#### BRITISH HONDURAS (COURT OF APPEAL) BILL [H.L.]

A Bill to authorise the establishment of a Court of Appeal for Her Majesty's Colony of British Honduras—Was *presented* by the Earl of Kimberley; read 1<sup>st</sup>. (No. 167.)

House adjourned at a quarter before Six o'clock, to Monday next, a quarter before Five o'clock.

#### HOUSE OF COMMONS,

*Friday, 22nd July, 1881.*

MINUTES.]—SELECT COMMITTEE—*Report*—Tithe (Rent-Charges) [No. 340].  
PUBLIC BILLS—*Select Committee—Report*—Bills of Sale Act (1878) Amendment [No. 341].

*Committee—Report—Land Law (Ireland) [135-225]; Metropolitan Board of Works (Money) [204]; Removal Terms (Scotland) [8].*

*Committee—Report—Third Reading—Seed Supply and other Acts (Ireland) Amendment\* [217], and passed.*

*Third Reading—Incumbents of Benefices Loans Extension\* [213]; Public Loans (Ireland) Remission\* [212], and passed.*

*Withdrawn—Copyhold Enfranchisement (re-comm.)\* [195].*

The House met at Two of the clock.

### PRIVATE BUSINESS.

—o—o—o—

EARL OF HARDWICKE'S ESTATE  
BILL.—[*Lords.*]

THIRD READING.

Order for Third Reading read.

MR. LABOUCHERE said, he should like to know something of the nature and tenour of the Bill. It was a Bill of 64 pages, and had already passed through the House of Lords. He thought some explanation of these Private Bills ought to be given before the House was asked to pass them. ["Oh!"] Hon. Members might cry "Oh!" but he wanted to know—and he thought the House should know before they passed these Bills to settle large estates—what was their real nature. He, therefore, hoped some hon. Gentleman would rise to explain the Bill now before the House.

Bill read the third time; Verbal Amendments made; Bill *passed*, with Amendments.

### QUESTIONS.

—o—o—o—

EDUCATIONAL ENDOWMENTS (SCOTLAND) BILL—SHAW'S HOSPITAL.

MR. J. W. BARCLAY asked the Vice President of the Council, Whether he has taken into his consideration the proportion of two out of nine governors, as provided by the scheme dealing with Shaw's Hospital now on the Table of the House, for the representation of the public on such governing bodies as contemplated by the Government in the Educational Endowments (Scotland) Bill, and what course he will take in the matter?

MR. MUNDELLA: In answer to my hon. Friend, I beg to state that the Educational Department have no respon-

sibility whatever in any of the schemes passed by the recent Scotch Educational Commission. Those schemes are referred to us as a matter of courtesy, and we have always given our best advice. With respect to the latter part of the Question, as to what course was contemplated by the Government in regard to the Educational Endowments Bill, I have to inform him that we have nothing at all to do with the matter.

### ARMY—COAST DEFENCES.

MR. J. STEWART asked the Secretary of State for War, Whether the Commission appointed to consider the question of the coast defences of the Country have yet reported; if not, whether he can state when the Report may be expected; and, whether the Report when made will be published?

MR. CHILDERS: In reply to my hon. Friend, I have to state that no such Commission has been appointed; but that an official Committee—Naval, Military, and Civil—presided over by Lord Morley, the Under Secretary of State for War, is steadily investigating the defences of commercial harbours. Their Report will be a very valuable one; but I cannot now say when I expect it to be completed, nor could I, under any circumstances, undertake to lay the whole of it on the Table, as much of it, from the very nature of the case, must be strictly confidential.

### NAVY—DOCKYARD ESTABLISHMENT, GIBRALTAR.

SIR JOHN HAY asked the Secretary to the Admiralty, Whether there is any intention to reduce the Dockyard establishment at Gibraltar?

MR. TREVELYAN: In 1876 the entry of trade boys or apprentices taken from the spot to some of the principal trades was commenced with a view to their eventually taking the place of some of the highly-paid artificers sent out from the Home Yards. The period of agreement of the latter has now expired, and as the boys have completed their time and become men, arrangements have been made for the return home of those sent out from the Home Yards. This is being carried out in accordance with a Report recently received from the captain in charge at Gibraltar. The Reports from several

officers are now before the Board; but, to the best of my knowledge, no Lord has had an opportunity of considering them, and the matter has made no official progress whatever.

COMMERCIAL TREATY WITH SPAIN  
(NEGOTIATIONS).

MR. O'SHEA asked the Under Secretary of State for Foreign Affairs, Whether Papers relating to the negotiation of a Commercial Treaty between Great Britain and Spain will be laid before Parliament during the present Session?

SIR CHARLES W. DILKE: I doubt whether the negotiations will have sufficiently advanced to allow the Correspondence on the subject to be laid before Parliament during the present Session without injury to the Public Service.

THE MAGISTRACY (IRELAND)—MR.  
CLIFFORD LLOYD, R.M.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that Mr. Clifford Lloyd refused to take as bails for Mrs. Coleman, a farmer, named Thomas O'Donnell, who is rated over sixty pounds per annum, and a man named James Baulton, the owner of house property in Kilmallock; and, if so, if he will state why he did refuse substantial bails like those and commit the woman to prison?

MR. W. E. FORSTER, in reply, said, he had obtained information from the Constabulary as to this matter. He was informed that it was not the case that Mr. Clifford Lloyd refused to take for Mrs. Coleman the joint security of T. O'Donnell and J. Baulton. T. O'Donnell did not offer, and in the case of joint security it was necessary that both should be qualified.

MR. PARNELL asked Mr. Attorney General for Ireland, Whether the committal of the aged woman Margaret Coleman to prison for six months, in default of finding bail, by Mr. Clifford Lloyd out of Petty Sessions, was not a direct contravention of the Petty Sessions (Ireland) Act, and therefore illegal? He wished further to ask the right hon. and learned Gentleman whether, before a decision was given in such a case, there should not have been two magistrates present, and not one?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said,

*Mr. Trevelyan*

that the acceptance and refusal of bail was within the ordinary powers conferred on magistrates, but was not subject to the provisions of the Act referred to. With respect to the sentence of six months' imprisonment said to have been passed on Mrs. Coleman, he was informed that she was not sentenced to that imprisonment, but that the magistrate committed her to gaol merely in default of her finding bail, and that she was detained there a day or two until the bail was obtained, and she was then released.

MR. PARNELL: Was it not in contravention of the Petty Sessions (Ireland) Act that she was committed for six months?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) admitted that it would have been wrong for the magistrate so to decide a case of prosecution for a specific offence; but, as he had already explained, the woman was not convicted of an offence, nor was she committed for six months.

MR. PARNELL: Was she not distinctly sentenced to six months' imprisonment in default of finding sureties? Was that not in violation of the Act, and should not two magistrates have been present, if such a sentence was to be pronounced?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I have already pointed out that she was not sentenced to six months' imprisonment. No doubt the hon. Member is correct in saying that two magistrates should have been present in a case where a person was committed; but, as I have said, this was not a committal for six months.

MR. O'SULLIVAN: I should wish to ask the right hon. and learned Gentleman whether it is not the fact that three respectable persons offered bail for Mrs. Coleman whilst she was before the magistrates, and that they were refused?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I do not think such bail as the hon. Member refers to was offered; but I am unable to say, and cannot answer the Question without Notice.

AUSTRO-SERVIAN COMMERCIAL  
TREATY.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, Whether by the Treaty

between Austria and Servia the following articles are exempted from all duty on entering into Servia:—1. Machinery of all kind and agricultural implements; 2. All railway materials, plant, and rolling stock; 3. Coal; whether by "the Most Favoured Nation Clause" between this Country and Servia of 1880, British goods of these denominations would not have been equally exempt from import duties into Servia; and, if he would explain why Her Majesty's Government have foregone advantages which British trade and industry might have reasonably expected to derive from the possession of these privileges at a moment when considerable enterprises for national development are contemplated by the Servian Government?

SIR H. DRUMMOND WOLFF asked, Whether there exists in the Foreign Office any Telegram, Memorandum, Despatch, or other document relating to the discussion with the Servian Government on the duties on iron and steel, dated between the 22nd June and the 14th of July; and, if so, whether such document or documents can be laid upon the Table?

MR. CAINE asked, Whether, under existing treaties with Servia, coals, Railway iron, and Railway materials are admitted into that country free of duty?

SIR CHARLES W. DILKE: The Question of my hon. Friend the Member for Scarborough (Mr. Caine) contains the answer to the chief portion of the Question of the noble Lord the Member for Woodstock. All railway materials and coal imported from Great Britain into Servia are admitted free of duty. As regards those articles, Her Majesty's Government have not, therefore, as the noble Lord supposes, foregone any advantages to British trade and industry. As regards machinery and agricultural implements, in which, from their nature, but little trade with this country is done, Her Majesty's Government have consented, as I have already informed the noble Lord only on Tuesday last, to make certain concessions on condition that the duty on woollen and cotton yarns, in which this country is much interested, is reduced from 8 to 5 per cent. In reply to the Question of the hon. Member for Portsmouth, I may state that the negotiations were conducted almost entirely by Mr. Gould and M. Marinovitch, and that if M. Marino-

vitch, whose permission will be asked, consents, there will be no objection on the part of Her Majesty's Government to lay on the Table the private correspondence on the subject.

LORD RANDOLPH CHURCHILL: Where it is stated in the Despatch of Mr. Locock that coal, iron, and railway material could be introduced into Servia, duty free, from Great Britain?

SIR CHARLES W. DILKE: It is not stated in the Despatch of Mr. Locock. The noble Lord will find that, in the Treaty between Austria and Servia which has been laid before the House, coal and railway material and rails are exempted; and we obtain the advantage of the clauses in respect of those articles by our "Most Favoured Nation Clause" in our existing Treaty with Servia. I may also point out that we likewise obtained advantage of the optional, *ad valorem* or specific duties obtained by the Austrian Treaty, and by our "Most Favoured Nation Clause."

SIR H. DRUMMOND WOLFF: Coal and railway material are mentioned as being exempted in the Tariff annexed to the Austrian Treaty. Agricultural machinery is also mentioned as exempted. There are three or four exemptions. Now, how does it happen that the exemptions, which apply to coal and railway material, do not extend to agricultural implements?

SIR CHARLES W. DILKE: Because there is a declaration between Austria and Servia. If the hon. Member wishes me to give chapter and verse, I shall be glad if he will give Notice of the Question. The reason is that these are articles to which exception was taken, and which Austria claimed as goods in the nature of Frontier traffic, and under the head of Frontier traffic is included agricultural implements. We objected all along, through a large Correspondence, to these articles being included under the head of Frontier traffic. By the concessions we have made on that point we have obtained a reduction from 8 to 5 per cent duty on woollen and cotton goods.

POST OFFICE—TELEGRAPHS ACT, 1863  
— SEC. 42 — TELEGRAPH WIRES  
ACROSS PUBLIC THOROUGHFARES.

MR. W. H. SMITH asked Mr. Attorney General, If his attention has been drawn to the forty-second section of "The Telegraphs Act, 1863," under which the

Companies constructing Telegraphs over streets were made liable for all damages and costs arising from default of their servants, public bodies having control over the streets being saved harmless; and, whether the Telegraphs were not transferred to the State subject to the liabilities imposed upon the Companies?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, the Question was closely connected with two Questions which he had attempted to answer formerly. When the telegraphs were transferred to the Postmaster General, there were no express words rendering the Crown liable to be placed in the same position as the Companies. Legally and technically it could not be so, for the Crown could not be subjected to an action for wrong. But local authorities need be under no apprehension as to their responsibility for injuries arising from accident. If an accident should arise, the consequences would fall upon the Postmaster General. The public bodies were responsible for seeing that the telegraph poles were erected in proper positions, so that they might not be likely to cause injury to the public, and any dispute between the local authorities and the Post Office might be referred to arbitration. But when the poles were erected, the Postmaster General took charge of them; and he, without question, would legally answer that the Crown could do no wrong. But as he could not allow the local authorities to interfere with the poles when they were once erected, he had the correlative duty of seeing that they were properly maintained; and, if injury arose, it had been admitted that compensation could be claimed. In substance, it rested with the public bodies only to see that the poles were properly erected in the first instance.

MR. W. H. SMITH understood from the answer that, in the event of accident arising from the breakage of the wires suspended from house to house in London, and erected prior to the transfer to the Government, or erected since by the Postmaster General, damages arising from such accident would not fall upon the local authority.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the inference was right in substance as to the wires of the former Companies, or those erected by

*Mr. W. H. Smith*

the Postmaster General; but there might be private wires that the Postmaster General had nothing to do with. But as to the wires he took from the Companies or had erected since, as far as he (the Attorney General) could see, the public bodies in whom the streets were vested would not be liable.

#### ENDOWED INSTITUTIONS (SCOTLAND).

SIR DAVID WEDDERBURN asked the First Lord of the Treasury, Whether, in consideration of the opposition to the Provisional Orders dealing with Endowed Institutions in Scotland now on the Table of the House, and which there is no opportunity for discussing, he will withdraw these Orders until after the discussion on the Educational Endowments (Scotland) Bill?

MR. WEBSTER said, as a Member who was much interested in one of the Provisional Orders, he asked the Prime Minister whether it was competent for him, or for the Secretary of State for the Home Department, to take any such course as proposed in this Question; and whether it was not the statutory duty of the Secretary of State, after he had approved of, to sign such Provisional Orders, to be laid on the Table of both Houses of Parliament?

MR. GLADSTONE, in reply, said, he thought the second Question contained substantially the answer to the first. The laying of the Orders on the Table was an absolute statutory duty, and the withdrawal of them was a step that could not be undertaken on account of any temporary difficulty. Consequently, the answer to the first Question would be in the negative.

#### SOUTH AFRICA—THE CAPE COLONY —THE ADMINISTRATION OF BASUTOLAND.

MR. CROPPER asked the Under Secretary of State for the Colonies, Whether he has had any correspondence with the Government of the Cape Colony on the proposal that the Colonial Office shall resume the direct control of the administration of Basutoland; and, if so, whether he will inform the House if any conclusion on that subject has been arrived at?

SIR CHARLES W. DILKE, in reply, said, the Correspondence on this subject

would be found among the Papers, which had been presented to the House, and would probably be distributed this week.

FREE TRADE (BRITISH EMPIRE).

MR. ASHMEAD-BARTLETT wished to ask, Whether the Government would give facilities for the discussion of a Motion of his which now stood first for the 2nd of August, relating to a question of greater importance than the Land Law (Ireland) Bill? The Motion declared that all trade within the limits of the British Empire ought to be free.

MR. GLADSTONE said, he was not aware that the Government were in the possession of facilities to give. Before they could give them they must be in possession of them.

MR. ASHMEAD-BARTLETT: Am I to understand that, if the Land Law (Ireland) Bill be finished before the 2nd of August, the Government will not take that day for their Business?

MR. GLADSTONE: No, Sir; I by no means said anything of that kind. It is a very good rule for a Government to give no answers to Questions depending upon a hypothetical basis.

MR. J. COWEN: In the event of the Land Law (Ireland) Bill being concluded before the House rises this evening, is it the intention of the Government to take Supply afterwards?

MR. GLADSTONE: Yes, Sir.

MR. J. COWEN: Is it, then, the intention of the noble Lord (Lord Randolph Churchill) to go on with his Motion respecting Tunis?

LORD RANDOLPH CHURCHILL: If the Government take Supply before 10 o'clock, I will bring my Motion on; but not if the Land Law (Ireland) Bill goes beyond that hour.

WIMBLEDON COMMON PRESERVATION ACT—BIRDS-NESTING ON WIMBLEDON COMMON.

MR. CAINE asked the Secretary of State for the Home Department, Whether his attention had been directed to the case of a man, charged at the Wandsworth Police Court with birds-nesting on Wimbledon Common, and fined £4, or in default committed to prison for 21 days?

SIR WILLIAM HARCOURT, in reply, said, that within the last hour his attention had been directed to the matter,

and he had sent to the magistrate to ask for an explanation.

PARLIAMENT—PUBLIC BUSINESS.

SIR WALTER B. BARTELOT asked when the Army Estimates would be taken?

MR. CHILDERS: I do not think they will be taken next week. I understand from the Secretary to the Treasury that the Civil Service Estimates are still more in arrear.

MR. W. H. SMITH: I understand the Navy Estimates are still more in arrear?

MR. TREVELYAN was understood to say that was so.

LORD GEORGE HAMILTON said, he hoped the Education Estimates would not be taken without two or three days' Notice.

MR. MUNDELLA said, he should be able to give Notice.

MR. E. STANHOPE said, that early next week he would ask whether there was to be an Indian Budget?

LAND LAW (IRELAND) BILL—THE REPORT.

In reply to Sir GEORGE CAMPBELL,

MR. GLADSTONE said, that the Report on the Land Law (Ireland) Bill would be taken at 2 o'clock on Tuesday next, in the event of the Motion with respect to the Transvaal being closed on Monday night.

TURKEY — MIDHAT PASHA — FULFILMENT OF SENTENCE.

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, If he had received any information with regard to the execution of the sentence passed on Midhat Pasha?

SIR CHARLES W. DILKE said, that within the last 48 hours they had received no further information from Lord Dufferin on the subject.

MR. M'COAN said, in view of a telegram of peculiar significance published that morning, and which seemed to point to an almost immediate decision in regard to the sentence passed at the recent State trial in Constantinople, he must plead the urgency and gravity of the case if he trespassed upon the time of the House for a few moments, and would, if neces-



sary, conclude with a Motion. The case was, shortly, this—One of the most noted figures in European politics, a statesman of the highest antecedents and reputation—[“No!”]—at least, for an Eastern statesman, had been tried in a way notorious to the House, and his life at that moment was trembling in the balance. He did not say that Her Majesty’s Government could bring any more pressure to bear on the Porte than they had done with reference to the subject. He was aware of the delicacy and difficulty, probably the impracticability, of any Government putting pressure upon the Sultan, except in the way of friendly intercession, which, so far, had had no effect. He, therefore, now wished to elicit from the House its opinion in reference to the recent trial and the action of the Turkish Government with respect to it; and he had reason to believe that such an expression of opinion would have the best possible effect at Constantinople. Midhat Pasha, after passing a distinguished official career, became Governor of Bulgaria, which he found overrun with brigandage, and in such a state that the revenue could not be collected. In a few months he put down brigandage, caused the revenue to be collected, and, under his rule, Bulgaria became one of the most prosperous Provinces of the Turkish Empire. One of his most persistent opponents was the Russian Ambassador. Midhat was doing everything to revive European confidence in Turkey, and as that did not suit Russian views General Ignatieff became his most persistent enemy, and intrigued against him—

MR. NEWDEGATE rose to Order. He submitted that the hon. and learned Member was asking the House to give an expression of opinion upon a Motion for Adjournment which was placing the House in a false position; because it was precluded by its own Forms from giving an opinion on that subject on a Motion for Adjournment.

MR. SPEAKER said, that, as the House was aware, the only question on which the judgment of the House could be taken on the Motion for Adjournment was whether the House should or should not adjourn.

MR. M’COAN said, he would make his observations very brief. Subsequently Midhat Pasha became Governor of Bagdad. It was said by some that

Midhat Pasha was a poor man, and, therefore, presumably an honest man; by others that he was a rich man, and, therefore, presumably a corrupt man; and he was sorry to say that a very high authority—the Prime Minister—had given expression to the latter opinion in an article he published. This, however, he knew—that though the revenues of the Provinces he governed passed through Midhat Pasha’s hands, he returned from each of them a poor man, in one case not having sufficient funds to pay his own and his retinue’s travelling expenses, and in another not being possessed of £500. Afterwards he became Grand Vizier, and his famous Constitution elicited from Liberal politicians everywhere praise and admiration, and it was no fault of his that that admirable scheme did not become an Organic Law of Turkey. He failed in his efforts to reform the administration, and to turn corrupt misrule into good government. Subsequently, both in Syria and Smyrna, he carried out the same principles of administrative reform. He was, undoubtedly, a party to the deposition of the Sultan; but it was widely believed that he was no party to his death, if he did not die by suicide. The Under Secretary of State for Foreign Affairs had admitted that the Report of the Medical Commission was in favour of the opinion that the death was caused by suicide. Dr. Dickson, the physician to the English Embassy at Constantinople, joined in that opinion, and had assured him (Mr. M’Coan) that after the most careful examination of the body he was clearly of opinion that it was a case of suicide. But what happened at the so-called trial? Why, that two of the doctors, who had, as Commissioners, certified that it was a case of suicide—Marco Pasha and Dr. Castro—actually at the trial gave evidence to the effect that, in their opinion, death had been caused by murder. Such evidence was worthy of the tribunal before which it had been given. In a reply to a Question put by him, the Under Secretary of State for Foreign Affairs had stated that the President at the trial had been formerly an *employé* of the Municipal Police at Constantinople, and he had himself positive knowledge of the corruption of the man when he held a judicial position. He had also evidence, though not so direct, that this same person had continued to

*Mr. M’Coan*

be one of the most corrupt judicial functionaries in the service of the Porte; and also evidence, less direct still, that the other members of the Court which tried the State prisoners were of no whit better character. No European community, therefore, would hang a dog upon the finding of such a tribunal. He knew that Her Majesty's Government could not interfere directly, and that an unofficial or indirect appeal on the part of Her Majesty's Ambassador might have no effect; but he was proud to know that no other opinion in Europe could have such an effect on the Porte, or in the Palace, as that of the House of Commons, because it was thoroughly understood there that such opinion reflected that of the country, and so influenced the action of the Government. He begged to move the adjournment of the House, in the hope that such opinion would be expressed on behalf of an innocent, distinguished, and falsely-condemned statesman.

THE O'DONOGHUE seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. M'Coan.)*

SIR H. DRUMMOND WOLFF said, he would not follow the last speaker in criticizing the trial that had taken place at Constantinople, a trial which he thought would not be considered satisfactory in this country. He would not make an appeal to the right hon. Gentleman at the head of the Government to interfere in regard to the trial; but he would remind him that on more than one occasion the interference of the British Government had saved the lives of men who had been condemned to death in Turkey. He trusted that the Premier would see his way to take some steps to bring the influence of Her Majesty's Government to bear upon the Porte, with a view of, at any rate, reducing the sentence passed on Midhat Pasha. He was a man of what was called a very liberal mind, and had discharged his duties in a remarkably impartial manner, and with much enlightenment, considering the difficulties under which he had had to labour. He ventured to suggest that the Premier would be doing a graceful act in using his great influence on behalf of this unfortunate man.

MR. ASHMEAD-BARTLETT said, it was remarkable to notice the intense

interest taken in Turkish Pashas by hon. Gentlemen who had lost no opportunity hitherto of denouncing them. The trial had by no means been so unfair as was represented, and the evidence against most of the accused was very strong. Everyone sympathized with Midhat Pasha, who was a great statesman and patriot, and it would be a most unfortunate thing if the trial resulted in his death. He doubted, however, if there was any danger of that. The present Sultan was a most humane and kind-hearted man—and neither Midhat Pasha nor the other two Ministers who were condemned with him were in danger of execution. He thought the question might be safely left to the discretion of Her Majesty's Government without any formal expression of opinion by the House. It would be most unfortunate if any representations were made on behalf of the other condemned Ministers, Mahmoud, Damat, and Nouri Pashas, who were openly corrupt, and were guilty of almost every possible offence against the interests of their country and of civilization. It would be a matter of rejoicing if they could be brought to justice. It would be better if representations were made diplomatically by the Government without the direct interference of the House; and, although the influence of the British Government was much less than it used to be, he had no doubt they would have due effect.

MR. GLADSTONE: I do not know that much advantage would be gained by a prolongation of the discussion. In answer to the appeals made, especially by the hon. Member for Portsmouth (Sir H. Drummond Wolff), I think I can state very briefly what is a very simple matter—namely, the limits of action laid down for us, and the fact that we have not scrupled to act within them. Those limits were necessarily narrow. I was sorry to hear the hon. Gentleman who made this Motion introduce statements of so pointed a character respecting the individuals who have been called upon to conduct the inquiry. He may be quite warranted in all he says; but it is perfectly impossible that we can know that, and it is perfectly impossible, in justice to those individuals, to go in this House into the circumstances of which he speaks. If the trial be bad, an attempt to re-try the case in an Assembly of this kind, with the view to an ex-

pression of opinion on the definitive merits of the case, would likewise be open to much objection. The real state of the case is this—have we a right of intervention in a matter of this kind? Clearly we have none. I use the words “right of intervention.” But there are considerations of policy and humanity which have, on various occasions, led to representations, more or less formal, which are in the nature of interference with private affairs; but which are grounded on a sincere and dispassionate anxiety, in the first place, for the general principles of humanity and justice; and, in the second place, for the interests of the great Power in whose counsels you appear to intervene. Unquestionably, though we have no power to pronounce a final sentence on the nature of the proceedings in Constantinople, there has been a public opinion in regard to these proceedings both in Constantinople and Europe generally such as to make us believe that it would be greatly for the interest of the Sultan of Turkey were he moved to pursue a humane and liberal course. Recognizing these facts, we have not scrupled to act upon them. So early as July 4 instructions were sent to Lord Dufferin to use the least obtrusive, but, at the same time, the most confidential, direct, and effective means to make the kind of representations which we desired to be made. Lord Dufferin has, I think, with as much tact and delicacy as are in the possession of any man, and with, at the same time, as much good feeling and zeal, acted readily upon these instructions, and has, to the best of his power, made representations in the general sense I have described. We have no doubt whatever that a lenient and a considerate course will give satisfaction to the enlightened opinion of Europe, and will be greatly for the interests and peace of Turkey. Having said that, I think I had better add no more. I see no advantage in implicating or attempting to pass judgment on anyone. We have stood on the purely general consideration I have described; and I believe the House will be disposed to think, on the general statement I have made, that, without any special merit on our part, we have discharged our duty.

MR. J. COWEN said, he was sure the House had listened with satisfaction to the humane and generous observations of

the Prime Minister. He trusted his hon. Friend the Member for Wicklow, having elicited such an expression of opinion, would be content, and not push his Motion to a division. He entirely sympathized with him in the course he had pursued. It was desirable that the British Parliament should have an opportunity of recording its opinion of the very exceptional proceedings under the name of law that had recently taken place at Constantinople. Midhat Pasha was a distinguished Turkish Pasha. He had served his country ably and honourably in the highest offices the Sultan could confer. He had proved himself to be a friend of England and of progressive principles. He (Mr. Cowen) had the privilege of his acquaintance, and he could confirm the high character that the hon. Member for Wicklow had given him. He recognized the delicacy of the position, and he could appreciate the difficulties that the Premier had referred to. To interfere with the action of the Turkish Courts—however they were constituted—might be regarded as trenching upon the freedom of an independent State. If representations were made in a too emphatic way they might be resented by the Sultan, and have the very opposite effect that was designed. This was a possibility which they should all bear in mind, and of which the Government, no doubt, were conscious. They should remember also that it was impossible for the House to review the proceedings of the Constantinople tribunal. They might have their opinions; but they were not, and could not, be informed of all the details. But, still, admitting all this, the English Government had on other occasions interceded with foreign Rulers on behalf of fallen statesmen or popular leaders. There were many instances in history where there had been such friendly interference; and they had, therefore, the warrant of precedent for doing what was now suggested. He trusted that the Government would—with all the energy that they felt themselves justified in using; but, at the same time, with the necessary friendliness—intercede on behalf of Midhat Pasha. The Prime Minister had said that instructions to that effect would be sent to Lord Dufferin, and the House and the country would feel satisfied that any appeal by him would be supported by a man

*Mr. Gladstone*

of great ability, high character, and of generous spirit. Having called attention to the subject and made this representation, he would advise that the matter should be allowed to rest in the hands of Her Majesty's Government.

MR. M'COAN asked leave to withdraw the Motion.

MR. BIGGAR wished to say a word or two. He sympathized with the object of the Motion, because he did not believe in capital punishment for political offences. He was glad to hear the expressions of the Prime Minister; but he thought that while he was making his speech he might have added that it would give him great pleasure if the Sultan would intervene on behalf of several subjects of Her Majesty in Ireland, who were suffering, not for political offences, but merely on suspicion.

Motion, by leave, *withdrawn*.

#### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [THIRTY-THIRD NIGHT.]

[Progress 21st July.]

Bill considered in Committee.

(In the Committee.)

#### NEW CLAUSES.

MR. GLADSTONE: It now becomes my duty to move a new clause of a character which I may describe as not unimportant, but in some degree formal. It is a clause for the purpose of bringing the pecuniary transactions of the Land Commission in Ireland under the regular review of the Comptroller and Auditor General of the Exchequer. About the beneficial character of the proposal there can be no doubt whatever, and there is only a single remark I ought to add. It is thought by the Executive Government that some distinction may properly be drawn between the kind of control and extent of discretion exercised by the Comptroller and Auditor General of the Exchequer in the case of the ordinary public expenditure through the Executive Government, and the discretion it

is needful for it to exercise in the case of a body external to the Executive Government having received the confidence of Parliament under an Act of the legislature, and called upon to administer funds for a special purpose under clear and specific rules. We assume the general intentions and the general discretion of a Commission of that kind. With respect to the ordinary public expenditure, the Department of the Audit Office exercises very large powers and very beneficial powers of examining more than what is purely formal; but in the case of an expenditure of the kind here in view, we are generally of opinion that what the auditor will have to do will be not to touch matters affecting the merits, but to look simply to the remedial character of the acts the Commission may perform, and to see that they correspond with the Act of Parliament. This is not a matter which requires any detailed explanation; but it is a distinction which, to a certain extent, is not entirely without importance. It rests upon the principle that while as regards the Executive Government it is impossible to have too close and too severe a control over the expenditure of public money, still, in a case like this, it would not be right for either the Treasury or the Audit Department to interfere with the discretion or the policy of the Commission in dealing with the funds placed under their management by this Bill. I beg to move the second reading of the clause.

#### New Clause—

(Audit of account of Land Commission.)

"The Land Commission shall from time to time prepare in such form and at such times as the Treasury from time to time direct accounts of their receipts and expenditure, and within six months after the expiration of the year to which the accounts relate the Land Commission shall transmit the same to the Controller and Auditor General to be audited, certified, and reported upon in conformity with the regulations from time to time made by the Treasury for that purpose, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and, if not sitting, within fourteen days after Parliament next assembles.

"Provided, That the regulations made by the Treasury under this section shall be laid before the House of Commons within one month of the date thereof, if Parliament be then sitting, and, if not, then within fourteen days after

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Parliament next assemble, and that such regulations shall not have effect until they have lain for thirty days upon the Table of the House."  
—(Mr. Gladstone.)

New Clause *brought up*, and read the first time.

Motion made, and Question proposed,  
"That this Clause be read a second time."

SIR H. DRUMMOND WOLFF remarked, that he had not yet said anything upon the Bill; but upon a question of account he should like to know if the Treasury could not be instructed, either by words inserted in the clause, or by an undertaking on the part of the right hon. Gentleman the Prime Minister, to keep a separate account of the advances made by the Church Commissioners in respect of arrears of rent. It appeared to him that there was likely to be a great complication of accounts between the Church Commission and the new Commission; and, therefore, he should like to see a provision made for keeping the accounts separate.

MR. W. H. SMITH: Before the right hon. Gentleman answers that question, I wish to point out that the clause proposed to be inserted in this Bill is not precisely the same as the clause inserted in the Church Act. I believe there is a marked difference between them. I understand the view of the right hon. Gentleman to be that it is not the intention of the Government that the Comptroller and Auditor General shall express any opinion upon a question of policy; but that he shall simply investigate the application of the funds to be administered under the clauses of the Bill and see whether it has been in accordance with the strict letter of the Act of Parliament. All interpretations as to the policy of the application of the funds are, I understand, to rest with the Commissioners. I think it is desirable to bring out that question very plainly, because there is a certain amount of legal doubt about it, and it should be clearly stated what the powers of the Comptroller and Auditor General are. I therefore wish to ask the right hon. Gentleman whether I rightly understand him to say that the discretion of the Commission in dealing with these funds will be completely unfettered?

MR. GLADSTONE: The right hon. Gentleman (Mr. W. H. Smith) has per-

fectly understood the meaning of my statement. There will be nothing less than a full legal audit; but we are inclined to lay down that where the Executive Government is concerned we ought not to check or narrow the interference with the expenditure where the question concerned is one of discretion and one of merits. With regard to the remarks which have been made by the hon. Member for Portsmouth (Sir H. Drummond Wolff), I entirely agree with him that the account to which he refers should be kept distinct from the rest.

MR. WARTON asked over what period of the year the accounts would range? Would it be the natural year, the financial year, or some other year?

MR. GLADSTONE: That will have to be settled hereafter by the Treasury. As a matter of convenience I think it will most probably be the natural year; but we must abide by circumstances.

Motion *agreed to*.

Clause read a second time, and *ordered* to be *added* to the Bill.

MR. E. STANHOPE moved, after Clause 1, to insert the following Clause:—

(Provisions with respect to sale of tenancy of holding subject to arrears of rent, &c.)

"Where the tenant of any holding, who is indebted to his landlord on account of arrears of rent or other claims on the part of his landlord, gives the prescribed notice to the landlord of his intention to sell his tenancy, the landlord may, without prejudice to any other right by this Act conferred, give the prescribed notice to the tenant of his intention to become the purchaser of the tenancy in case the tenant cannot find a purchaser willing and able to pay, by way of consideration, for the purchase of the tenancy, a sum sufficient to satisfy the amount of the tenant's indebtedness to the landlord on account of the arrears of rent and such other claims as aforesaid, such amount failing agreement between the landlord and tenant to be determined by the Court; and, in case the tenant cannot, within the prescribed period, find a purchaser willing and able to pay a sum sufficient to satisfy such amount as aforesaid, the landlord shall thereupon be deemed to be the purchaser for a sum equal to such amount as aforesaid."

The clause really spoke for itself. He quite admitted that it dealt with a point which ought to have been raised at the time Clause 1 was under discussion. Under Clause 1, when the landlord did not desire to purchase the tenant's interest and there were arrears, the landlord would be entitled, until the arrears were

paid, not to accept the purchaser of the tenant right as the incoming tenant. The object he had in view in proposing this new clause was to protect the landlord where the sum proposed to be paid by the purchaser was not sufficient to cover the tenant's arrears of rent. It was not right that the landlord should suffer because he had been lenient and easy. He did not mean to say that it was the best way of meeting the difficulty; but he would move the second reading of the clause.

New Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."—(*Mr. E. Stanhope.*)

THE ATTORNEY GENERAL FOR IRELAND (*Mr. LAW*) said, he was of opinion that the object the hon. Gentleman had in view was sufficiently provided for by the Bill as it stood. It already provided that the landlord, upon getting notice from the tenant of his intention to sell the holding, could apply to the Court. If the landlord desired to buy the tenant's interest he could do so at a fair price, and he could not complain if it was less than the amount to which his arrears of rent extended. The Court was bound to ascertain what was the true value of the property, and no harm could be done. On the other hand, if he liked to secure himself he could bid up to the price to which his accumulation of arrears had run. That was the present practice where a person had an incumbrance on property sold by a Court.

*MR. E. STANHOPE* said, the view of the right hon. and learned Attorney General for Ireland would be perfectly right if the tenant was going to sell by auction, because the landlord might then come in and bid against anybody else. But an arrangement might be made in secret of which he knew nothing, and the sum given might not be sufficient to cover his arrears. He would not, however, press the clause; but he thought some words might be introduced into the 1st clause on the Report.

Amendment, by leave, *withdrawn.*

*MR. HEALY* moved, in page 3, after Clause 1, to insert the following Clause:—

(Release to tenant who has sold his tenancy.)

"A tenant who has sold his tenancy in pursuance of the provisions of the first section shall be deemed to be thereupon released and discharged from all actions, suits, and remedies at the suit of the landlord and all persons claiming by, through, or under him, in respect of all rent subsequently accruing due under such tenancy, and in respect of all future breaches of the conditions thereof."

The position of the tenant was this—At the present time, under the existing law, if a man assigned his tenancy, he was responsible to the landlord and his heirs for 50 generations or more, not merely for the rent of the holding if the assignee should make default, but for any breach of the conditions of the lease on the part of the assignee. Perhaps it was right that such provisions should exist under the present law, because there might be a lease with onerous conditions in it, which conditions might be got rid of by making an assignment to a man of straw; and it might, therefore, be right to give the landlord the power of coming down upon the man who had been the original lessor. But what did this clause do? In cases of assignment, it imposed upon the tenant a series of most onerous conditions—it required him to give notice to the landlord of his intention to sell the tenancy; where the tenant agreed to sell the tenancy to some other person than the landlord, he should, upon informing the landlord of the name of the purchaser, state therewith the consideration agreed to be given for the tenancy; where the tenancy was sold to some other person than the landlord, the landlord might, within the prescribed period, refuse on reasonable grounds to accept the purchaser as tenant; and so on through a whole series of most onerous and extraordinary conditions, none of which had existed before. As he had said, there was at present a necessity for protecting the landlord, in case the tenant assigned the holding to a man of straw; but the circumstances would be entirely different under the new conditions, and he proposed that a provision should be inserted in the Bill acquitting the original tenant in consequence of the extraordinary conditions now imposed upon him. It was useless to argue that the existing rights should be allowed to continue, because the Court would take care that no assignment was made to a man of straw. The

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Court would allow no fraudulent transaction to take place, and no improper bargain to be entered into. He knew it was generally thought in Ireland that the Decies Act met the case; but in his opinion it did not. Decies Act, it was quite true, would meet the case where the landlord's consent had been obtained in writing; but what landlord would be such a fool as to give his consent in writing? He would not be damned by withholding where it would be no advantage to him to give it. He would have the right, as well as coming on the existing tenant for his rent, to come also on all the assignees. Therefore, it was useless to argue that Decies Act covered the case, because it did nothing of the kind. The landlord had an abundance of guarantees, and when the Bill made an inroad into the right of free sale, as it did—because it was absurd to say that it gave the right of free sale—the least they could ask the Government to do, when they had abolished the Common Law right of free sale, was to abolish also the Common Law right which gave the landlord the power to come on the assignees for all generations.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. FINDLATER said, the hon. Member was under a misapprehension. He never understood that the assignees were responsible after the tenancy had been assigned.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that under this Bill hon. Members would remember that a tenant meant an occupying tenant, and when once a man ceased to occupy he ceased to be a tenant within the meaning of the Act. The whole of the obligations of Clause 4 were imposed upon a tenant in occupation. For tenancies from year to year the clause was not at all required. The only class for which it was required were future leaseholders; but he thought that the Act of 1860, in their case, made ample provision. A landowner agreed very often to let land to some particular person because he was solvent; and the man who took the lease contracted, not only for himself, but for his assignees, that they would pay the rent and fulfil the

other obligations of the tenancy. In such a case, where the tenant deliberately contracted, not only for himself, but for the assignees, the landlord should not be deprived of this security without his consent, and if he consented the Act of 1860 relieved the original tenant from all further liability. Whether they regarded the class of future leaseholders or existing tenancies from year to year they were all alike, adequately protected.

MR. HEALY said, he was not thinking of that which the hon. Member for Monaghan (Mr. Findlater) had directed attention to; but he had in his mind statutory tenancies. He must admit that the Attorney General for Ireland had cleared up any doubt he might have had on the subject. The right hon. and learned Gentleman had shown that the statutory tenant who succeeded to a tenancy would be responsible; and, if that were so, there was no reason to move the Amendment. His object had been to save a statutory tenant from responsibility, which, he thought, ought not to attach to him.

Amendment, by leave, *withdrawn*.

MR. FITZPATRICK moved, after Clause 1, to insert the following new Clause:—

(Payments to be made to landlords out of purchase money of tenancy in certain cases.)

"Where the tenancy of a holding created before the passing of this Act is sold by the tenant for the first time after the passing of this Act, the landlord shall be entitled to apply to the Court to have paid to him out of the purchase moneys of the tenancy, the sum, if any, which he can prove to the satisfaction of the Court to have been paid by him or his predecessors in title by way of consideration for the purchase or acquisition of any right of sale of the tenant's interest in such holding; subject nevertheless to any deduction which the Court may deem just in respect of any money received by the landlord or his predecessors in title by way of fine or otherwise on account of the sum so paid as aforesaid."

The hon. Gentleman said that, in moving this clause, he must explain to the Committee why he had left that which was a very important matter until so late a date in the progress of the Bill. He had waited throughout all the discussions that had taken place in order to hear what the Prime Minister was going to say about those landlords who, on the second reading, he had said had been put upon their trial, but had been ac-

*Mr. Healy*

quitted. He confessed, however, that he had waited in vain. He had heard nothing as to what was to be done for those landlords who had done their duty by their tenants and their property, and had brought the holdings in their possession into a flourishing condition. By the clause that he now brought before the Committee he dealt only with the estates where the Ulster Custom had been bought up by the landlords, or where the landlords themselves, by cash payments to the outgoing tenants, had obviated the necessity of the incoming tenants giving anything to their predecessors, either for the improvements they had effected, or for what was called "tenant right"—that right which the Committee were told had existed from time immemorial throughout Ireland. The Government had said that by the Act of 1870 they inadvertently created "a something" which the tenant had to sell. Well, that might probably be so. He did not contest the proposition; but, so far as he could see, that "something" did not seem to be more than the compensation for disturbance, which was to be given to a tenant if he were capriciously evicted, and where hardship was done. By the present Bill they would be actually giving the tenant "something" to sell, which he had never bought, and which he had never acquired. What this "something" was, therefore, he could not make out, especially if the landlord, as he had said, had done everything to enable the incoming tenant to come on to the farm with capital intact, and had put the farm in order. By the Bill they told the tenant to go into the open market, and they said to him—"You can get for this 'something' the best price that is possible." He was to sell the *pretium moderationis* of a good landlord, who had permitted him to remain on his holding. They asked him to sell the consideration the landlord had shown in leaving him on the land and giving him all the improvements and amenities granted on what were, in common parlance, called "live-and-let-live estates." He wished to point out, to the best of his ability, what this "something," which the tenant was now to sell for the best price, really was. He would quote from a pamphlet by the hon. Member for Linlithgowshire (Mr. M'Lagan), published in 1869—a very short pamphlet, which put the thing very clearly. The writer

gave an account of an expedition that he had taken through Ireland, and he called his pamphlet *Land Culture and Land Tenure in Ireland*. The writer said—

"The amount given for the goodwill depends on this circumstance; it depends upon the character of the landlord. If he and his family have been considerate to the tenants, and have shown no disposition to raise their rents, he is considered a good landlord, and a larger sum will be given for the goodwill on his estate. Thus the tenants trade on the character of their landlords."

Then he says—

"It depends on the rent. The lower the rent the more is given for the goodwill, and *vice versa*."

The writer then went into a discussion, showing how the rent and goodwill acted against each other. That was a good description of this "something" that they were told the tenant had to sell for the best price he could get. He was willing to admit that where tenant right was accepted in the South of Ireland the tenant was entitled to receive from the incoming occupier, or the landlord, what he had paid; and, if they had a legalized tenant right in the South of Ireland, that would be fair. But he could not see the equity of allowing a tenant to sell what he had not bought, and to receive large cash payments for this consideration, that he had been living under a good landlord and receiving all these amenities. To illustrate what he meant much more plainly in pounds, shillings, and pence, he would take a typical case—the case of an estate with which he was most familiar, that of his father (Lord Castletown). On that estate no tenant right had existed. The proprietor had spent upwards of £16,000 in paying tenants who went out for the improvements they had made; and also in giving them a sum of money, whether large or small, to enable them to emigrate, so that an incoming tenant might not be able to say—"I have paid so much for this and you must give it to me when I leave, or I shall have to get it from the man who follows me." The incoming tenant came on the farm with his capital untouched, and the farms were nearly all let at low rents, which had not been changed for 20 years. Lord Castletown had spent £25,000 on improvements, for which he had received no interest. No tenant right had existed on the estate, these



large sums having been spent in keeping it out; and he wished to know what would be the result to this landlord and the landlords of his class—and there were more of them in Ireland than some people were inclined to think—if the Bill passed in its present shape? The result would be that, first of all, where the estate was well managed, the landlord was popular, and the rent was low, the tenant right would be exorbitantly high. And those tenants who were able to get their sons and relatives on to a farm on the estate without paying for it would now have to pay a huge sum down to a man who was a bankrupt or was obliged to leave. What would be the result to the tenantry on the estate he had been speaking of? Hitherto they had had no capital taken out of their pockets; but now when a tenant came in he would have to pay to the man going out, who was probably a drunkard or a spendthrift, and was off to America, a good round sum. This money the disreputable predecessor would put into his pocket and spend elsewhere. He would give the Committee an instance. He knew a case where a family had been for a long time on an estate. A member of that family came into possession of the farm only two years ago, and was given a sum of money to enable him to develop his holding. The result, unfortunately, was that he became a drunkard, and spent everything he had without improving the property; and, naturally, when this Bill passed, he would sell his tenant right for an exorbitant sum and take himself away. But what had he got to sell? When he had taken the farm it was in perfect order. The sum he would receive for the tenant right would benefit nobody but himself, and why would he be benefited? Simply because he was a drunkard. The incoming tenant following him would have to pay an enormous sum for that which last year he could have got for nothing. That would show the difficulty that would be experienced in working the Act, unless such a clause as this he proposed were accepted. The Bill, as it stood, would be a premium to spendthrift tenants, who, after failing in their agricultural industry, would be able to say—"I am tired of this. I can make a good sum out of my tenant right, and I shall be off with it to America." The clause he proposed merely said that the landlord should receive back what he

had paid in order to keep out the tenant right. By agreeing to his proposal on the first sale they would give incalculable benefit to the tenantry on many estates, and, at the same time, would tell the landlords of Ireland who had tried to do their duty—"We are not going to deprive you of the capital you have invested in your land." He need not point out how unfair it would be to make a landlord pay twice over for the tenant right if he wished to exercise the right of pre-emption. They should not make him pay, perhaps, next year for what he had paid this year or last year. He was told that there were hundreds and hundreds of cases where the tenant right had been bought up. He had safeguarded also any case where a fine had been paid by the tenant to the landlord in creating the tenant right, because, of course, as no doubt the Attorney General for Ireland was aware, in the South and West of Ireland, where tenant right had been created, it was often created by the payment of a fine to the landlord at the time he was hard pressed, or by the payment of a sum to some unscrupulous agent, who had said—"Give me so much and I will sell you an interest, and will make it right with the landlord." The subject was a very important one, and he could assure the Government that if they could see their way to agreeing to what he had suggested, they would go far towards helping the people of Ireland to look upon this Bill in a more complacent frame of mind than they did now, because they would be putting the honest tenant on a fair footing, and showing him plainly what he had to sell. It would do a great deal towards facilitating the working of the clause in a great many particulars, which would take him too long to explain.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

Mr. GLADSTONE: I think, with great submission, that it will not be difficult to show that this clause is proposed upon a misunderstanding of the facts of the case and the position of the parties. Great difficulty has been professed on the other side of the House, and, I have not the least doubt, honestly professed, in understanding what it is

*Mr. Fitzpatrick*

the tenant has to sell. It has been described under all sorts of mysterious phrases as being impenetrable and unintelligible, and from that unintelligibility, which I will suppose to be the fact, inasmuch as hon. Gentlemen are the best judges of what they do and what they do not understand, I think they have been led into consequences which might be ruinous to the Bill. We, on our side, have always contended that the tenant right was a thing that it was not at all difficult to comprehend. We have always contended that it is a commodity the tenant carries into the market, and for which people are ready to give him money—that it is principally based on the improvements which he and his predecessors in title have made on the farm; but that over and above that he has to sell his right of occupancy. His right of occupancy depends, partly on the particular conditions named and attached to that right by the law of the land, and partly by the state of the market—the demand for land as compared with the supply. Well, how do these considerations apply to the clause of the hon. Gentleman? Let me first say that he certainly deserves credit for his moderation in limiting the operation of his clause to the first sale after the passing of this Act. I am not at all aware why it should not be made a permanent provision extending to all sales, if it be good at all in principle. But I contend it is not good in principle; it is unsound. Accepting the facts as they have been given me by the hon. Gentleman, I cannot at all enter into the question whether these cases are few or many, for that is really irrelevant to this particular discussion. The supposition of the hon. Gentleman, which I receive in perfect good faith, is that in certain cases the landlord has paid to an outgoing tenant a certain sum in respect of his tenancy, so that the man who is coming in may have no claim whatever in regard to something which he had paid to the tenant. Very well, be that so. What is the consequence? The consequence of that proceeding is to make all the improvements on the farm the property of the landlord. There can be no doubt at all about that; if so, unquestionably the incoming tenant has no interest whatever in the holding. He has no right to sell these improvements—they are the landlord's, as much so as if they

had originally been made by the landlord; and in ordinary circumstances it is the sale of the improvements that constitutes the basis and bulk of that interest in the tenancy which the tenant has got to sell. Of course, there are other things which must be taken in view. First of all, they must take into view the improvements the incoming tenant might make; and, secondly, the value of his right of occupancy. In the case to which the hon. Member has referred, where a particular man was, unfortunately for himself, a drunkard, we may assume that he would make no improvements on the holding; but, at the same time, he has got the occupancy. You have him on the farm invested with his tenancy; but that will not enable him to get in the market such a price as he would have obtained if the improvements had been his. There is no reason why, if his right of occupancy is of real value—and we will not go into a discussion of the constituent parts that comprise the occupancy—there is no reason why he should not receive the price. Let us look at the effect of the Amendment of the hon. Gentleman. Suppose the improvements on a farm to be worth £200, and the landlord has paid £200 to the outgoing tenant for these improvements. They have become his property. The incoming tenant takes no interest in them whatever, and, consequently, cannot sell the interest in them, and the presumption is that he pays rent for them. He has an interest in them, but cannot sell them, or convey them. Surely that will operate unfairly. No doubt, the hon. Member has brought in the clause in perfect integrity; but I do not think I shall be exaggerating if I say that, under all the circumstances of the case, it would operate unjustly.

MR. MULHOLLAND said, that in the case the right hon. Gentleman had quoted, where £200 had been spent in improvements, in all probability the price paid for the tenant right would be £500; the other £300 would represent the goodwill, which seemed to be a synonym for his right of occupancy. Under the Act of 1870 tenants were invited to purchase the tenant right. He would ask now, under this Bill, and under the interpretation that the Prime Minister had put on it, what it was that the landlord did buy? He had bought

the improvements; but he did not purchase beyond that, although he paid for something beyond it. The 1st clause of the present Bill only gave the tenantry of Ireland exactly the equivalent of the Ulster tenant right. They had the right of free sale, and they could sell both their improvements and their goodwill; and it was clear that anyone selling under the 1st clause would sell over again what the landlord had previously paid for. He should have preferred to have seen an exception made to the 1st clause of the Bill, and he could not see any logical reason for the distinction made by the Government when they said that where the tenant right was in the landlord's hands now it should be free from the conditions of the Bill; but where it had been parted with two or three years ago the case was different. The landlord had bought "something," and had the other parted with it? He did not think so; but the tenant was now to be allowed to sell the goodwill to the landlord that he had doubly paid for. The Prime Minister smiled, and perhaps he could not imagine why any landlord should have bought it. Probably no landlord would have bought it had he anticipated this Bill. There were many landlords who thought this competitive price given for the goodwill was an injury to the tenant and to the estate, and were willing to pay the money in order to protect the incoming tenant and prevent him from ruining himself. He was surprised that the Prime Minister did not see any difference between the first payment and the subsequent payments. It seemed to him that no argument could be more conclusive than that if the tenant sold something which had not been transferred to him by the landlord, whatever belonged to the landlord ought to be refunded.

LORD RANDOLPH CHURCHILL said, he thought that the clause was unnecessary. If his hon. Friend would look to the Act of 1870 he would find a provision that where the landlord had purchased or acquired from the tenant the Ulster tenant right the holding ceased to be subject to the Ulster tenant right custom. The Ulster tenant right custom was nothing more or less than the Common Law right of assignment. It included the Common Law right of assignment with this difference—

*Mr. Mulholland*

that the landlord, by the Common Law right of assignment, was not bound to recognize the assignee in connection with the tenancy, but under the Ulster Custom he was bound to do so. Therefore, if the tenant sold to the landlord the Common Law right of assignment which he possessed he had nothing whatever to sell. If the landlord had bought up the Ulster tenant right custom or analogous usage, and the interest came to be sold, the landlord could take documents into Court to prove that the tenant had sold him the right of assignment which he possessed.

MR. MACFARLANE said, the noble Lord had referred the Mover of this Amendment to the Act of 1870; but if he referred to the 1st clause of the Bill he would find that the case was fully met by the provision that where a tenant sold his tenancy to any person other than the landlord, the landlord might, at any time within the prescribed period, give notice both to the outgoing tenant and to the purchaser of any sums which he might claim from the outgoing tenant for arrears of rent or otherwise. Further, sub-section 9 provided that—

"Where any purchase money had been paid into Court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser to make applications to the Court in respect of such purchase money."

Now, if the landlord made application to the Court under that sub-section, surely it would be open to him to show that he had already purchased the tenant right which had been sold to the incoming tenant; and if that was so the landlord was absolutely protected from the second sale of a thing which he himself had purchased. He would not refer to the clause of the Act of 1870 quoted by the noble Lord; but, judging from the intelligent interest taken by the noble Lord in the provisions of the Bill, he felt sure he had taken a correct view of the subject. For his own part, upon the grounds he had stated, he must say there was no necessity for this Amendment.

LORD GEORGE HAMILTON pointed out to the Prime Minister that unless he accepted some such provision as that contained in the Amendment before the Committee, the landlord, whenever he had bought up the tenant right, would be forced to apply to the Court under Clause 7 to have the rent raised. It

was clear that if the landlord had bought up the tenant right of a holding and had not placed upon that holding an additional rent, the tenant, when he sold his interest in that holding, would sell the value of the tenant right which the landlord had bought up. The landlord, in order to protect himself, would be compelled to go to the Court to have the rent settled, regard being had to the interest of the landlord and tenant respectively. There could be no doubt that the interest of the landlord would be included in the tenant right bought up, and the landlord would be forced to apply to the Court to fix the highest rent for the holding. Now, he did not think it advisable to put the landlord in that dilemma. They had all along been told that the landlord might protect his interest by raising the rent; but that was the very thing which his hon. Friend (Mr. Fitzpatrick) wanted to avoid. For his own part, he felt certain that unless some provision of the kind proposed by his hon. Friend were inserted in the Bill many landlords would be obliged to apply to the Court who otherwise would not do so.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not see the case in the same light as the noble Lord at all. Take the case put by the hon. Member for Portarlington (Mr. Fitzpatrick) by way of illustration. The landlord himself bought the interest of the tenant rather than allow it to be sold to others; he put a value on the improvements, and something more for any interest the tenant had. The landlord then got into possession of the holding, and having paid for the improvements they became his own; he could now do what he liked with the holding, but, not choosing to keep it unused, he transferred to another tenant the right of occupation which was formerly in the original tenant. If he did not change the rent, he had, it must be assumed, some good reason for it; but, presumably, he would let anew at a rent which would pay interest on his outlay as an investment, or, if he did not raise it, it would, no doubt, be because it was already a sufficient one, even giving the landlord credit for the improvements he had thus acquired.

LORD JOHN MANNERS said, that he had failed to recognize in the speech of the right hon. and learned Gentleman

the Attorney General for Ireland any reference to the comments of the noble Lord upon the existing law. He wished to know whether the clause of the Act of 1870, to which his noble Friend had alluded, was or was not affected by the 1st clause of the Bill?

MR. WARTON said, he should like to supplement the observation of the noble Lord who had just spoken by asking the Attorney General for Ireland the exact relation in which this Bill stood to the Act of 1870. The Government had repealed one section and partly repealed another; and he wished to know whether the 1st section of that Act remained in full force?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the two Acts were to be read together. If the hon. Member referred to the 47th clause, he would see that it provided machinery for carrying out the Act of 1870.

LORD JOHN MANNERS said, he did not think that the point raised by his noble Friend (Lord Randolph Churchill) had been answered. Did the section on which his noble Friend founded himself apply to Clause 1 of this Bill?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Yes.

MR. GLADSTONE said, his right hon. and learned Friend had given his opinion as to the relation between the Act of 1870 and the Bill. The Government had quite enough to do to answer the questions of the noble Lord, without being led into devious paths by their renewal in different forms.

LORD JOHN MANNERS said, he asked an extremely simple question, and did not want the Attorney General for Ireland to deviate into any paths at all. Was the section of the Act, to which his noble Friend referred, overruled by the 1st clause of this Bill?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): No.

MR. FITZPATRICK said, he had heard no answer at all to the arguments urged in favour of his proposal which had been put forward in the most moderate and temperate form; and he should, therefore, be obliged to put the Committee to the trouble of a division.

Question put.

The Committee divided:—Ayes 78; Noes 210: Majority 132.—(Div. List, No. 324.)

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SIR GEORGE CAMPBELL said, he had placed a clause on the Paper with the object, not of promoting any lengthy discussion, but of ascertaining exactly what were the rights of present tenants with regard to the continuity of their tenure. The clause which he intended to move declared that a present tenant had a continuous right of occupancy. He had been rather puzzled as to the word he should use to express that form of right; he dare not use the word "perpetuity;" and had, therefore, chosen the phrase "continuing right of occupancy." He left it to the Government to say whether the clause was unnecessary, or whether the proposition contained in it was untrue.

Amendment proposed, after Clause 2, insert new Clause—

(Continuity of tenure.)

"Every tenant in this Act described as a present tenant, and to whom all the provisions of the Act regarding present tenants apply, has a continuing right of occupancy in his holding, subject to the rent payable for the time being, or determined from time to time under the provisions of this Act, and to the other conditions in this Act prescribed."—(*Sir George Campbell.*)

New Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

SIR JOSEPH M'KENNA said, he hoped the hon. Member for Kirkcaldy would not press this clause, as it was merely an expression of what he understood to be the effect of the Bill.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the clause was quite unnecessary, as the continuity of occupancy was already in the tenant subject to the provisions of the Bill.

Amendment negatived.

MR. CHARLES RUSSELL said, that as the clause of the Chief Secretary for Ireland with reference to agricultural labourers partly—but certainly not adequately—secured the object he had in view in placing the Amendment on the Paper which stood in his name, and as he was desirous at that stage of the Bill not to occupy the time of the Committee if it could be possibly avoided, he did not intend to move it.

THE CHAIRMAN pointed out that the next Amendment in the name of the hon. Member for Wicklow County (Mr. W. J. Corbet) was inconsistent with Clauses 7 and 4 of the Bill, and could not, therefore, be put.

MR. R. POWER said, he was sorry the Government had not seen their way to deal with a great evil affecting Ireland. It appeared to him that in no period of the history of Ireland had the evil of absenteeism been felt more intensely by the people than during the last two or three years, when poverty, want, and misery came home to them in the most aggravated form. He had framed an Amendment in connection with this subject of the most moderate character, and submitted it in that shape in the hope that it would have some chance of being accepted by the Government. In considering this question it was, of course, necessary that some examination should be made of previous history and the various attempts that had been made to check the evil of absenteeism in Ireland; and it would be found that so far back as the Reign of Henry II. a most stringent Act was passed, which provided that all manner of persons whatsoever who had any lands or tenements in Ireland should reside or dwell upon the same, and that all such as had there any castles or other forts thereupon should also dwell therein, otherwise the Government might dispose of half their living. Such was the nature of the very stringent Act passed in the Reign of Henry II., and if they went forward a little further they would find that in the Reign of Richard II. it was enacted that all persons holding property in Ireland should reside there or else pay a tax to the amount of two-thirds of their Irish rental, and that all persons who attended English Universities, or were absent by special licence, were exempted from the penalties of the Act. That Act worked well for a time; but, unfortunately, the power so reserved to the Crown to grant leave of absence was exercised to such an extent that it became of little value for the purpose for which it was intended. In considering this question hon. Members should always bear in mind that one of the conditions on which these absentee proprietors received their property was that they should live on their estates and

discharge the duties which they owed to the community at large. Again, hon. Members would find that the Irish Parliament was also alive to the evils which this system of absenteeism brought upon the country; and in 1715 a tax of 4s. in the pound was levied on all profits, employments, fees, and pensions derived from Ireland in all cases where the receiver did not reside in the country for six months in the year. It would be seen from these references to history that various attempts had been made to check the effects of absenteeism in Ireland. He was, of course, aware that his proposal would not receive the support of political economists; but he could never understand the principle which they laid down, that money which was derived from the soil of Ireland, and which was spent in other countries, operated quite as much for the good of Ireland as if it was spent there. On the contrary, in making these observations, he reminded the Committee that there was nothing wild or revolutionary in the ideas put forward by Irish Members on this subject, because they had good precedents for the course they advocated; and, moreover, their country bore witness to the evil effects of the system which they sought to remedy. But there was one argument in favour of such a course to which no disciple of political economy should refuse to listen, and that was the moral effect which absenteeism had upon the community at large. It was to the landlords that the people looked for encouragement in works of utility, which tended to the development of their resources, and to the establishment of peace and order; and he maintained that by the severance of the relations of the landlord and the tenant the doors of generosity, of mutual support, so necessary in the interest of both, would be closed between them. As a particular instance of the evils of absenteeism he would allude to a body of persons in the North of Ireland called the Irish Society, composed, as he believed, of the members of the Corporation of the City of London, and, with regard to them, he would not detain the Committee longer than by observing that the manner in which their estates were managed was not satisfactory. But he was obliged to remind hon. Members of a case brought into the Dublin Courts two years ago

in connection with the Patriotic Life Assurance Company, and on which occasion the Judge said—

“Could such a system exist were the landlord resident; where the landlord would have personal interviews with his tenants? But dealing with this Company, it was highly improbable that any one of the tenants would ever see a landlord in the flesh, as this Company were non-resident, and never came to Ireland to discharge there the duties which the owners of property owed it to the country to discharge.”

He would also refer to the recommendation of a Select Committee of that House, who sat in 1825, and who declared in their Report that in closing their labours, which had continued during three Sessions—

“Your Committee feel an earnest hope that the peculiar situation in which Dublin has been placed by the Union will not be lost sight of by the House. Prior to that event, 98 Peers, and a proportionate number of wealthy Commoners, inhabited the city. The effect of the Union has been the withdrawal from Dublin of many of those who were most likely to contribute most effectually to its opulence and its importance. The increase of the industrious and middle classes, so desirable under all circumstances, is checked by the exaggerated pressure of local taxation.”

That recommendation, like many other recommendations on Irish affairs, was treated, he regretted to say, with very little attention. But, coming nearer to our own times, there was one man who, he believed, had he lived, would have solved this question long since. He referred to Lord George Bentinck, who expressed a hope that some arrangement might be made which would compel absentee landlords to contribute to the wants of the poor in Ireland, and suggested that there should be two poor rates introduced, by which means, as appealing to their interests, absentee landlords would be induced to reside in Ireland. It was that opinion of Lord George Bentinck that encouraged him to lay his proposal before the Committee; and he trusted that the Government would, by accepting it, lend their assistance to check, to some extent, the great evil under which Ireland had so long suffered. He begged to move the Amendment standing in his name.

Amendment proposed, in page 8, after Clause 7, insert the following Clause:—

(Provision as to absentee landlords.)

“Any person who under any tenancy becomes the occupier or tenant of any premises liable to grand jury cess, and who is liable to

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pay a rent in respect of the same to an absentee landlord, shall be entitled each year to deduct from such rent the sum which he shall have during such years paid as grand jury cess. In case of dispute as to whether the landlord comes within the meaning of the word 'absentee,' and is without fixed residence in Ireland, the same shall on application be determined by the Court according to the circumstances of the case."—(*Mr. Richard Power.*)

New Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. GLADSTONE: I am sorry I can only meet the proposal of the hon. Member who has just sat down with a refusal. I wish to say nothing which will lead to the supposition that we do not view the subject of the hon. Member's Amendment as one of importance. On the contrary, the question raised by the hon. Member with reference to absentee landlords is, I think, one of very great gravity. I do not adopt the theory of those who who have undertaken, at times, to prove that absenteeism is not a misfortune to Ireland, in an economic sense; and, morally, I estimate it as a very great misfortune and disadvantage. But I should say that the proposal of the hon. Member is not germane to the present Bill. I think that a question appertaining to the local rates in Ireland is one which ought to be dealt with, if at all, in a separate Bill, and not in connection with a Land Bill. But there is one difficulty, which I must point out, in the clause proposed by the hon. Member, to which he has not referred in the speech which he has just made, and that is the difficulty, perhaps the impossibility, of defining what is an absentee landlord. In the time of Henry II., and in Tudor and Stuart times, the Executive Government undertook to make definitions for itself. But the hon. Member proposes to refer this definition to the Court, and I find, even in the clause itself, sufficient indication of the difficulty under which the hon. Member laboured, because he says, in case of dispute, it is the duty of the Court to ascertain two things; first of all, whether the landlord comes within the meaning of the word "absentee;" and, secondly, whether he is without fixed residence in Ireland. These two things are perfectly distinct from each

other; and I believe the late Lord Hertford was the only man who would have been hit by this clause, because there is no doubt that he was an absentee landlord, and had no fixed residence in Ireland, although he derived a large income from estates in that country. To define an absentee landlord is, I believe, beyond the power of any legislator, and to refer it to the Court would evidently be placing on the Court the necessity of deciding a question entirely beyond their power. In expressing my inability to admit the clause of the hon. Member, I may say I hope he will not think I have treated his proposal with any disrespect, because I admit the gravity of the matters involved in it; and if he can see his way to make a proposal to lay special burdens on absentee proprietors, I should strongly affirm his right to do it, if he thinks fit.

MR. GREGORY said, the Prime Minister seemed to indicate an impression on his mind that some liability should appertain to absentee proprietors; but, for his own part, he could not help thinking that "absentee" proprietors were, in many cases, the best proprietors in Ireland. He recollected that 50 years ago he was taken over the estate, in Ireland, by the agent of one of these so-called absentees, who pointed out to him the many and important improvements made by himself in respect of drainage, fencing, and agricultural works of all kinds, but observed that the landlord, for all the outlay he had made, had not received the return of 1s. The hon. Member, in laying his proposal before the Committee, had referred to some public Companies as absentee proprietors; but he (Mr. Gregory) doubted whether there were any estates in Ireland better managed than those of the London Societies, and he believed that their outlay was beyond that of any ordinary proprietor in the district. It seemed to him that if this Bill became law it would be likely to promote absenteeism in Ireland, because, whatever might be said, the Government were reducing the landlord to a position very much like that of a rent-charger. They were depriving him of the rights which attached and contributed to the enjoyment of property in this country, and the landlord would no longer be able to deal with his own as he could at present; he would have to look more to the revenue

than to any enjoyment which could be derived from it. It was, therefore, impossible that landlords deprived of the rights which attached to the ownership of land in England and other countries should feel much interest in their Irish estates.

MR. W. J. CORBET said, the Committee had but little idea of the great extent of absenteeism in Ireland, an evil which was not felt at all in England, because of the reciprocity which existed there. No doubt, there were many English absentee landlords; but this was compensated for by the number of persons who came to England from all parts of the world, and, therefore, he spoke of reciprocity, which did not exist in Ireland. The non-resident Irish proprietors numbered 2,973, and the area of their estates was 5,127,167 acres, with a valuation of £2,476,816, to which, if one-third were added for the difference between valuation and rental, there would result the sum of £3,294,421 as rental, an enormous amount, but which, nevertheless, did not represent the whole drain upon Ireland caused by absenteeism, because a great number of so-called resident proprietors spent a large portion of their revenue in England, and when they came to Ireland it was only for the purpose of saving and not of spending money. Again, the number of Companies which held land in Ireland was 161, the area of their property was 584,327 acres, and its valuation £234,768. From these figures it would be seen that considerably more than one quarter of the area of Ireland was held by absentees, and the effect of this upon the agriculture of the country might be very easily understood. Everyone would know that if one took out of a farm everything that it would produce and put nothing back, the soil would be exhausted; and it was precisely that result, metaphorically speaking, which had taken place in Ireland owing to the system of absenteeism, which had gone on for generations. It was England that had created this system, and it was to that House that Irish Members looked to remove the evil. He should most cordially support the clause of the hon. Member for Waterford.

MR. R. POWER said, after the speech of the Prime Minister, he did not intend to put the Committee to the trouble of a division. If the right hon. Gentleman

was still in want of a definition of an "absentee," it would not be necessary to go back to the Reign of Henry II., because in 1715 it was enacted that 4s. in the pound was levied on property in all cases where the landlord did not reside in the country for six months in the year. But perhaps the best definition was that of Dean Swift, who said that an absentee landlord "was an Irish landlord who lived in England on his Irish estates."

MR. PARNELL said, he had an Amendment on the Paper to give power to the Court—

"Where application is made by the landlord in the Court, under the provisions of the previous section, to fix a fair rent in respect of any holding, the tenant of which alleges that the landlord is an absentee, the Court may refuse to accede to the application on the ground that the absence of the landlord from his estate is of such an extent and character as to disentitle him to make such application."

He thought this would have been the best way of approaching the subject of absenteeism; but he understood that the Chairman had ruled that the clause could not be put; and, therefore, he would merely say that he regretted that he should not be able to put the matter before the Committee in that shape, because he believed he would have been able to show, on unanswerable grounds, that absentee landlords ought to be treated on a different basis to other landlords. Now, the Amendment of the hon. Member for Waterford approached this matter in a milder way, and he was sorry that the Prime Minister had not seen his way to accept his proposal. He certainly thought that landlords who lived out of Ireland for nine or ten months in the year ought to have some mark attached to them as regarded their treatment under this Bill. It was clearly improper that a landlord who derived a large income from Ireland, and who spent but a very small portion of it in that country, should receive all the advantages which this Bill would undoubtedly confer upon Irish landlords by many of its clauses. They would be better able to tell after six months how this matter stood; but his idea was that, if the landlords chose to apply to the Court to fix a judicial rent, the result would be a very material increase of rent, and, consequently, considerable dissatisfaction amongst their tenants.

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He found there were 2,973 absentee proprietors in Ireland, owning 5,000,000 acres of the best land of the country, and who spent most of the money derived therefrom out of the country—that was to say, £3,500,000 annually. He thought the policy of separate treatment for absentee landlords was very important, especially when taken in connection with the general character of the Bill, which would, undoubtedly, establish a uniform rate of rent, to which landlords and tenants would be able to appeal. In fact, in the course of five or six months after the passing of the Bill, it would be possible for tenants in any part of Ireland to know what judicial rent the Court would fix in respect of holdings throughout Ireland.

MR. T. P. O'CONNOR wished also to express regret that the Government had not seen their way to deal with the question of absenteeism. There were several reasons why the Government should take up this question, one of them being that the proposal they might make would not meet with any serious objection from any section of the House. He was not, of course, qualified to speak as to the opinion upon this subject which was entertained by Conservative Gentlemen in that House; but he believed he was correct in saying that their feelings were quite as strong as those of Irish Members with regard to its injurious effects upon the people of Ireland. He knew of one Conservative Gentleman who evinced, in quite as strong terms as any Irish Member, his feeling with regard to absenteeism in Ireland; and the feeling which he believed to exist amongst the Conservative Party was one reason why the Government, if they saw their way to deal with the question, would not be overloading their Bill, because their proposal would not be likely to receive any serious opposition. Another reason was because the Bill would do little for Ireland unless it materially increased the application of capital in Ireland; and how could it do that when it allowed one-third of the whole rental of the country to be exported? He did not know what were the exact figures, nor had he the means of testing the accuracy of the Estimates which were made of the amount annually taken away from Ireland under this head; but he believed that the sum drawn annually from the country by absentee landlords

was estimated at from £3,000,000 to £4,000,000. It was impossible that, as long as this large drain continued, there could be prosperity in Ireland; and it appeared to him that, in dealing with this question of land tenure, and endeavouring to promote the future agricultural resources of the country, they had committed the error in passing by and entirely ignoring one of the most radical evils of the land system. He would point to one or two other questions raised in the course of this discussion—the question relating to the agricultural labourer. When that was raised at first, there seemed to be an eager competition between the different sections of the House as to which would prove to be the true friend of the agricultural labourer. He was not going to analyze motives, but it appeared to him that the Conservative Party took up the question because the agricultural labourer offered a convenient form of working against the tenant farmers, and that the Liberal Party did so because it was a convenient counterpoise, while Irish Members sitting below the Gangway on that side of the House were said to have taken it up from motives of the darkest and most dire character. He wished to draw attention to the fact that when the case of the agricultural labourer came before the House, although it was foreign to the purport of the Bill, every section of opinion amongst hon. Members was joined in pressing it on the attention of the Government, while, at the same time, the Government devoted a large amount of time and energy to the subject. But, after all, was not the truest way of approaching the question to increase the wages fund of the country? And how could that be attempted while one-third of the rental went out of the country?

THE CHAIRMAN pointed out that the hon. Member was travelling beyond the Question before the Committee.

MR. T. P. O'CONNOR, of course, submitted at once to the ruling of the Chairman. He had been endeavouring to reply to the argument of the Prime Minister, which he understood to be that the Amendment of the hon. Member for Waterford was rather foreign to the purpose of the Bill, and that it was an Amendment of a kind which, according to the practice of the House of Commons, could not be dealt with; and he

was endeavouring to show how the Government had dealt with another matter which, to his mind, was far more foreign to the Bill.

THE CHAIRMAN said, this was probably, a fitting moment to point out why it was that he had ruled two Amendments out of Order and allowed this one to be discussed. The reason for this was that the question of county cess was determined by the 56th clause of the Act of 1870, and, therefore, might be amended by a Bill of a like character.

MR. T. P. O'CONNOR understood the provisions of the Bill as passed provided for the application to the Court with regard to fixing a fair rent, but that nothing was said in regard to the persons who made the application. The Bill did not contain any provision for the exclusion of any particular class of landlords; and he should be glad if the Attorney General for Ireland were able to take advantage of the raising of the question dealt with in the present Amendment to give some indication of his own opinions on the subject, and also of his willingness to co-operate with Irish Members in making some proposal for the purpose of dealing with the grave and serious evil of absenteeism.

LORD JOHN MANNERS remarked, that the hon. Member who had just sat down had expressed his belief that Conservative Members of the House would take the same view as himself with regard to the evils of absenteeism. He did not pretend to speak in their behalf with the same authority as that claimed by the hon. Member; but he believed that everybody would wish to see Irish proprietors resident on their estates during a great part of the year. To that extent he agreed with the hon. Member; but that was one reason which induced the Conservative Party in the House to oppose the Bill—because they regarded it as a measure which would increase absenteeism. But it was not Conservatives only who took that view, because, having heard the speech of the hon. Member for Cork (Mr. Parnell), he was inclined to think that hon. Members had come round to the same view, for he had told the Committee that the Bill was designed in the interest of the absentee landlords of Ireland. They had always said that this Bill would induce by penal consequences landlords to give up their residences in Ireland and take as much

Irish money out of the country as they could for the purpose of spending it elsewhere.

MR. T. P. O'CONNOR desired to correct a misapprehension. He did not say he desired to see the absentee landlords return to discharge their duties in Ireland. For his own part, he would like to see all the landlords of Ireland absentee, or rather he would like to see the landlords present and landlordism absent.

LORD JOHN MANNERS said, he thought the hon. Member and his Friends were a little inconsistent, because in the early debates on this Bill the example of the great absentee landlords was held up to the House as justifying one of the important provisions of the measure—namely, that relating to free sale. From all sides the management of the estates of Lord Portsmouth was praised. He understood Lord Portsmouth was a non-resident landlord; but now the Committee were told that non-resident landlords ought to be fined.

SIR EARDLEY WILMOT said, he cordially sympathized with the Amendment, and was prepared to go into the Lobby with the hon. Member for Waterford to support it. One of the greatest evils of Ireland was that landlords who derived a considerable revenue from the country spent the money, estimated by Mr. Giffen at £6,000,000, in England or in foreign countries, and deprived Irishmen of the kindly and social influence and example which produced such inestimable benefits wherever they were felt. He was not one of those political economists who held that money spent out of a country must benefit those who were in it. Though he agreed with the Prime Minister that there were difficulties in the matter, he maintained, with Burke, that it was the business of a Government to overcome difficulties.

THE CHAIRMAN said, that the question was not one of absenteeism, but whether there should be an apportionment of the county cess between the tenant and the absentee landlord.

SIR EARDLEY WILMOT said, he understood that this was a proposal to mulct absentee landlords. He would like to see a double Income Tax placed upon landlords who did not reside upon their estates six months in the year. If the highest personages in the Realm

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were to go to Ireland occasionally, as they did to Scotland, not only would Ireland benefit financially, but a kindly feeling would be aroused, and the difficulties from which they now laboured would be removed.

Mr. DAWSON, while sympathizing with the object of the hon. Member for Waterford, could not agree that his Amendment embodied the best means of securing it. He believed that the proper way of bringing people to live in Ireland was to attract them by the advantages of living there; by social order and contentment; by the pleasures and enjoyments of a refined society, and by all the attractions which a capital, the seat of the Legislature of the country, would hold out. He repeated that while he cordially sympathized with the object of his hon. Friend, he should regret that any class of persons should be forced to live there as the result of a penal clause in the Bill.

Mr. R. POWER declined to withdraw the Amendment, because he found that his hon. Friend the Member for the City of Cork (Mr. Parnell) would not be able to move the clause of which he had given Notice.

SIR JOSEPH M'KENNA appealed to his hon. Friend (Mr. R. Power) not to put the Committee to the trouble of a division.

Question put.

The Committee divided:—Ayes 40; Noes 249: Majority 209.—(Div. List, No. 325.)

Mr. PARNELL said, he wished to submit a point of Order to the Chairman, in respect of the clause which stood in his name. He had given Notice to insert, after Clause 7, a new Clause, which provided—

“Where application is made by the landlord to the Court under the provisions of the preceding section to fix a fair rent in respect of any holding, the tenant of which alleges that the landlord is an absentee, the Court may refuse to accede to the application, on the ground that the absence of the landlord from his estate is of such an extent and character as to disentitle him to make such application.”

By Section 7, which the Committee had already passed—

“The tenant of any present tenancy to which the Act applies, or such tenant and the landlord jointly, or the landlord, after having demanded from such tenant an increase of rent, which the tenant has declined to accept, may, from time to

time during the continuance of such tenancy, apply to the Court to fix the fair rent to be paid by such tenant to the landlord for his holding.”

That meant that every tenant to whom the Act applied, and every landlord were entitled, under the mode prescribed in Section 7 in the second part of the Bill, to apply to the Court to fix a fair rent. Then, by sub-section 4, that right was limited in the following manner:—

“Where an application is made to the Court under this section in respect of any tenancy, the Court may, if it think fit, disallow such application where the Court is satisfied that on the holding in which such tenancy subsists, the improvements have, during the tenancy of the tenant and his predecessors in title, been made and substantially maintained by the landlord and not by the tenant.”

That sub-section was not so much an exception of the rights of the landlord as of the tenant to apply to the Court, as a limit in respect of their application after it had been made, or, in other words, it permitted the Court to disallow the application after it had been made under the provisions of Clause 7. Following the precedent set by sub-section 4, he had drafted the new clause which he had read to the Committee during the discussion of the previous Amendment. It gave power to the Court, where an application was made by the landlord to the Court, to disallow that application on the ground that the landlord was an absentee landlord, and that his absence was of such a character and extent as not to entitle such application to be allowed. He had thought, and still thought, to a certain extent, but he did not wish to press the matter, as the Chairman had ruled otherwise, that the precedent giving the Court power to disallow an application made by the tenant under certain circumstances would also entitle him to move his new clause, giving power to the Court to disallow the application when made by the landlord under certain circumstances. But it appeared to him that the Chairman had probably based his ruling on the fact that Clause 7, with its limiting provisions and exceptions, had already been passed, and, therefore, that it was not in Order to modify or alter that clause in any way by a subsequent new clause. What he wished to ask was, if it would be in Order to move this new clause on the Report in the shape of a sub-section to Clause 7?

*Sir Eardley Wilmot*

THE CHAIRMAN: I have no power to give an opinion as to what may be considered in Order when the Speaker is in the Chair. It will be for the Speaker to give that decision when the Report is before the House.

MR. PARNELL wished to know if the Chairman had based his decision against the proposed clause on the ground that it was not in Order to modify a clause after it had been passed by another clause, or on the ground that the subject-matter of the new clause was foreign to the Bill?

THE CHAIRMAN: It is because I am of opinion that the clause the hon. Member proposes is inconsistent with the provisions of the clause empowering the Court to fix a fair rent, and also Clause 34.

MR. PARNELL said, that, under those circumstances, he would not move the clause of which he had given Notice.

MR. MARUM moved, after Clause 8, to insert—

(Provisions for encouraging the planting of timber trees.)

"That from and after the passing of this Act the provisions contained in the first section of the Act of the fifth year of the reign of George the Third, chapter seventeen, for encouraging the planting of timber trees in reference to tenants for lives renewable for ever, and as confirmed by the eleventh section of the seventh year of the reign of George the Third, chapter twenty, in reference to tenants holding by fee farm, shall apply to every tenant of a present tenancy under this Act, so that such last-mentioned tenants shall not be impeachable of waste in timber, trees, or woods, planted by them after the passing of this Act. For the purposes of this Act, timber, trees, and woods so planted by the tenants of a present tenancy shall be deemed to be improvements within the meaning of this Act."

He thought the clause covered a very important subject, and one that was of great interest to Ireland. There had been various Acts passed upon the subject, dating from the Reign of William III., and the object of all of them was to encourage the planting of trees in Ireland. It was found that the old timber in Ireland was fast disappearing, and various attempts had been made, from the time of William III. down to the year 1765, to encourage planting; but all of them failed, owing to the requirement of registration. It was provided that the timber must be registered, and the tenants would not go to the trouble of registration. In 1765 there were

leases for old plantations, with covenants for perpetual renewal. As the Committee were aware, it was the inheritor or the owner of the inheritance who was entitled to the timber; but, still, the timber did not belong either to the owner or the lessee by the terms of the lease, and, consequently, an Act was passed for the purpose of vesting the timber in the lessees subsequently created. He proposed by this clause to transfer the rights conferred under the Act 5 Geo. III. from lessees in Ireland to statutable tenants with the perpetual right of renewal. If the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) desired any alteration in the clause, or even to omit the latter part of it, which provided that, for the purposes of the Act, timber, trees, and wood so planted by the tenants of a present tenancy should be deemed to be improvements within the meaning of the Act, he would confine the clause to the first part, which simply provided that the provisions of 5 Geo. III., c. 17, confirmed by 7 Geo. III., c. 20, should be applied to every tenant of a present tenancy under the present Act. He had simply copied the words of the Acts of Geo. III., and the second part of the clause only conferred the same rights on tenants in fee farm as were conferred upon tenants for ever. He did not think there would be any real question of dispute between either the landlord or the tenant as to the encouragement of timber planting. It was a well-known fact that the timber of Ireland was fast disappearing. Within the last 18 months both landlord and tenant had been very hard up, and they had made use of all the timber they could get hold of. In his own county (Kilkenny), if the destruction which had been going on was continued, in a very short time they would be left without trees altogether. It was important, therefore, not only in the interests of the tenant but of the landlords and of the country generally, that something should be done to encourage the planting of timber.

New Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the hon.

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Member for Kilkenny (Mr. Marum) had raised a question of considerable importance; but it was also one of considerable difficulty. It must be remembered that they had given a considerable amount of freedom to the tenant already, and that it was not desirable that they should go further, unless what they did could be shown to be for the general benefit of the Irish people; and he wished to point out that if the alteration now proposed by the hon. Member were accepted, it would be necessary to alter various statutes that were at present in force. It would certainly be requisite that there should be a system of registration if the tenants were to have an absolute property in the trees that were planted by them. Fifty years hence it would be almost impossible, without some formal record, to discover when a tree was cut down whether it was a tree that was there before the passing of the Act of 1881 or not. All the timber now on a holding belonged to the landlord, and it was not proposed by the present clause to make any interference in that respect. But his hon. Friend proposed that all timber planted after the passing of the Act should belong to the tenant; and who could tell 50 years after the passing of the Act which tree belonged to the tenant and which to the landlord? He would, however, promise to give the question further consideration before the bringing up of the Report.

MR. MARUM said, that his right hon. and learned Friend the Attorney General for Ireland anticipated that there would be legal difficulties in the way, and as he (Mr. Marum) was sensible of them himself, he would not press the clause; but as no objection had been raised to it on that side of the House, he hoped his right hon. and learned Friend would give the subject some consideration, and see whether he would not be able to deal with it upon Report.

Amendment, by leave, *withdrawn*.

MR. CHAPLIN moved, after Clause 13, to insert the following Clause:—

(Yearly Return respecting judicial rent.)

"There shall be, not later than the first day of March in each year, laid before both Houses of Parliament a Return showing the judicial rent fixed in every case by the Court, or by the Land Commission, and showing whether the same is equal to, or less than, or greater than, the rent payable by the tenant at the date when the application was made; and where it

is greater or less than the former rent, the amount by which the increase or reduction has been made, and the circumstances and reasons in and for which the increase or reduction was made by the Court or Commission."

The object of the clause was to provide that early every year a Return showing the judicial rent fixed by the Court or the Land Commission should be presented to both Houses of Parliament. The Return would show whether the rent had been fixed at a greater rate than before or at a less rate, and the amount of the reduction or increase. It would also give the reason why an alteration had taken place. He reminded the Committee that the Bill was a serious innovation upon their ordinary legislation. It was one that was introduced for the first time; and there was to be no appeal whatever from the decision of the Land Commission. It was therefore only fair to the tenant whose rent might have been increased, and also for the interest of the landlord whose rent might be lowered, that such a Return should be laid periodically on the Table of both Houses of Parliament, in order if there was an irregularity in their decisions there might be an opportunity of calling attention to it.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. GLADSTONE: I hardly think that the hon. Gentleman can require the Returns in connection with the judicial rent which he asks for in this clause. Returns will be presented to Parliament by the Land Commission possibly in the first year of its existence; but I do not think that it will be a very interesting matter to know all these minute details. No doubt, the Court will give the general facts in regard to their movements and operations; but I do not think we should call upon the Court to go into extreme details. And there is also another objection, that it might not be desirable or agreeable to give these Returns in the interest of private persons. I think there are many cases in which the details of the transactions would be found to be very objectionable to the parties most intimately concerned.

MR. PARNELL said, the clause proposed by the hon. Member did not

*The Attorney General for Ireland*

require that the names of the owner and the tenant should be given. [Mr. CHAPLIN: No; only of the holding.] The clause did not require that the names should be given, and they might be specified by numbers. He thought it important that Parliament should have detailed information of the working of the Land Commission; and he did not think that the reason assigned by the Prime Minister—namely, that it might consume a certain amount of paper in giving the returns, and entail some trouble on the officials in making them, should really have any practical weight. He trusted that the right hon. Gentleman would not deem it necessary to oppose such a Return in a modified form. He certainly hoped that Parliament would obtain this information, which would be of a most interesting character, and without it they would not be able to ascertain the working of the Commission, or know anything about what was really doing. It would be exceedingly inconvenient if they did not get this information, and all sorts of statements would be made as to the working of the Commission—some of them true, others untrue, and others very much exaggerated. It was, therefore, most desirable that there should be some means of checking unfounded reports.

MR. GLADSTONE: We could not entertain the clause in the form in which it now stands. Not only are all the particulars to be given in figures, but the Return is also to show the amount by which the increase or reduction has been made, and the circumstances and reasons in and for which the increase or reduction was made by the Court or Commission. We certainly could not accede to such an Amendment.

LORD GEORGE HAMILTON said, he hoped the Government would assent, if not to the actual Amendment on the Paper, to the insertion of some words by which Parliament would hereafter be placed in possession of all the facts in relation to the working of the Commission so far as the fixing of judicial rents was concerned. The object of his hon. Friend would be gained if words were inserted in the clause already proposed by the Government in reference to judicial rent, to show what a judicial rent was, what the Government valuation of the holding was, and what the rent of the holding was before the judicial rent

was fixed. That was all that was necessary; and it was most desirable, for various reasons, that some Return of this sort should be made. It was almost necessary that the Government should furnish the House with an authoritative record of the proceedings of the Commission; and if this Return were given, it would afford an additional inducement to landlords and tenants to come to an amicable arrangement as to rent, without making an application to the Court. Unless the real facts were given in the Return, he did not see how landlords and tenants would be able to come to a satisfactory conclusion.

SIR GEORGE CAMPBELL said, he was of opinion that it would be sufficient if the Annual Report of the Land Commission brought out as many details as possible.

MR. GLADSTONE: It appears to me that it will be clearly the duty of the Land Commission to make a Return which will give all the information in their power.

MR. CHAPLIN remarked that, if it would remove the difficulty in any way, he would be willing to omit the words with regard to the circumstances and reasons for which the increase or reduction was made. He did not see in any respect the difficulty which the Prime Minister had pointed out. Surely the Court would keep a record of its proceedings; and he only asked the Court to specify once a-year the reduction or increase which had been made in the rent. Unless a record was kept that was available for the use of Parliament, the proceedings of the Court or of the Commission would be practically carried on in the dark; and he must say that in the novel state of things like that which was about to be established a proceeding of that kind was one which Parliament ought not to sanction. If the right hon. Gentleman the Prime Minister was willing to give an undertaking that provision would be made in the Bill for Returns to be laid on the Table once a-year, giving the facts in each case where the rent had been increased or reduced, he would not press the clause further.

MR. GLADSTONE: I do not think the Government could give such an undertaking.

SIR JOSEPH M'KENNA said, he hoped the right hon. Gentleman the Prime Minister would consider the sub-

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ject before the Report. It was of immense importance that they should educate the public mind in Ireland as to the working of this Act; and, therefore, it was desirable to lay a Return before Parliament showing that such and such facts had resulted from bringing the questions in dispute before a judicial tribunal. Such a Return would enable the landlords and tenants in future to see how they could best make arrangements between themselves. He did not think that it would entail much inconvenience upon the Commission to give the Return asked for by the hon. Member for Mid Lincolnshire (Mr. Chaplin).

MR. MITCHELL HENRY said, that, admitting the importance of getting this Return, he would suggest to the hon. Member opposite (Mr. Chaplin) that it would be better to wait until the Commission had been at work for a certain time, and then to move for a Return. If such a Return did not include all the information the hon. Gentleman desired, he would be much better able to frame a Return stating clearly what he wanted.

MR. CHAPLIN said, he could explain in a moment why this proposition would be utterly useless. What was the use of his moving for a Return from the present Government? He could not see any possible objection to the present clause. The right hon. Gentleman the Prime Minister said it was not desirable to give the details asked for in the interests of private persons. Now, he thought it perfectly possible that there might be cases of hardship which would arise in the fixing of judicial rents; and if there were such cases of hardship, it was desirable that they should not be concealed—that the work should not be done in the dark—but should be laid openly before Parliament. He was not anxious to delay the progress of the Bill. On the contrary, he was very anxious to see it brought to a close, so far as that House was concerned; and he, therefore, asked the Government to say at once what their feeling was in the matter. He understood that they were willing to make some concession, and he wanted to know what it was. If the principle of his clause were rejected altogether, he was afraid he must put the Committee to the trouble of a division.

SIR WALTER B. BARTELOT said, they were having a large staff of

Assistant Commissioners. Nobody knew who they were to be, and it was only right and proper that their proceedings should be subject to the criticism of Parliament. He entertained a strong view on this point, because he was anxious that if the provisions of the Bill were to be put in force the work should be well and properly done, and there should be some supervision over the proceedings of the Assistant Commissioners such as that of the House of Commons. He had hoped the Prime Minister would see his way to accept the proposal for laying a Return before both Houses of Parliament. Without such a Return there would be no guarantee that the Assistant Commissioners would do their duty.

SIR THOMAS ACLAND said, he had no doubt that the House was entitled to get a Return of the way in which the work of the Commission was done; but he did not think the foresight of the hon. Member for Mid Lincolnshire (Mr. Chaplin) was any better than the foresight of those who had been engaged in framing the Bill. They ought not, therefore, to take the Amendment as one which anticipated all the experience which the country could give. It was admitted on all hands that it was desirable to have Returns from the Commission; and the only question was whether the best mode of furnishing those Returns was to be obtained by the adoption of the hon. Member's clause.

LORD JOHN MANNERS said, he thought the argument of the hon. Member who had just sat down (Sir Thomas Acland) was all very well as far as it went; but what his hon. Friend the Member for Mid Lincolnshire (Mr. Chaplin) suggested was that there should be a certain definite orderly proceeding; whereas the suggestion made by hon. Members on the other side was that there should be a Motion proposed from time to time, and that would possibly lead to an angry debate. He thought the suggestion of his hon. Friend the Member for Mid Lincolnshire was a very reasonable one, and the objection to it of the Prime Minister was simply one of sentiment. The omission of the words objected to by the Prime Minister would make the clause a perfectly fair and reasonable one.

MR. WARTON would suggest that in addition to the alteration his hon.

*Sir Joseph M'Kenna*

Friend the Member for Mid Lincolnshire (Mr. Chaplin) desired to make, he might add a few words at the end of the clause to this effect—

“Provided always that neither the names of the landlords nor the tenants shall be given in the return.”

MR. GLADSTONE: The hon. Member for Mid Lincolnshire (Mr. Chaplin) has stated his willingness, if the Committee will read the clause a second time, to leave out the words at the end of the clause—

“And the circumstances and reasons in and for which the increase or reduction was made by the Court or Commission.”

But the Return then would be of very little value, for it would simply be a nominal enumeration of a very great number of holdings belonging to particular landlords and occupied by particular tenants. If, without stating the circumstances and reasons in this way, when a reduction of rent was made the other particulars of each case were to be given, an opportunity would be afforded for the most invidious remarks to be made against individuals, without the Return containing any countervailing advantage, because the Return would be of no use whatever unless it was accompanied by a statement of the circumstances and reasons. What could possibly be the use of a statement in figures of a great number of holdings? It will be the duty of the Commissioners to set out all interesting matter as the result of their proceedings; but it would be possible for them, if the hon. Member gives up the circumstances and reasons, to give the particulars of the cases without adding the circumstances and reasons. If we cannot trust the Commissioners to give all information of interest connected with their proceedings, then I am afraid that it will not be a very good omen for the satisfactory working of the Bill. The clause which we have already adopted lays it upon the Commission, as a matter of absolute duty, to present to Parliament, in the most convenient and accessible form, all the information which is necessary to give Parliament an insight into the working of the Act; but to give the dry bones of a perfectly dead skeleton, containing nothing but an enumeration of names without the motives and reasons, would be most inadvisable.

MR. A. M. SULLIVAN said, he really could not see why there should be any difference of opinion upon the matter. To his mind it seemed almost certain that the Commissioners would give the particulars asked for. When the House was about to enter upon the discussion of the present Land Bill, he asked the right hon. Gentleman the Chief Secretary for Ireland to present to the House for its information a Return showing the number of cases which had occurred under the working of the Land Act of 1870, which Return was to give the particulars now asked for. On that occasion the right hon. Gentleman the Chief Secretary for Ireland admitted that such a Return would be of invaluable assistance to the House on this measure; but said that it would take three months to prepare it, because the Commissioners had not kept their accounts in a manner that would facilitate such a Return. Although he believed that the Commissioners would do what the Prime Minister suggested under the present Bill, he could not see any harm in taking care that the books of the Land Court should be kept in such a manner as to show the number of cases in which an application was made to the Court, the amount of rent paid, and the amount fixed after the audit. He had himself employed a clerk to go over the books in order to obtain a Return similar to that procured at the instance of the late Mr. M<sup>c</sup>Carthy Downing in 1871, 1872, and 1873; and he regretted very much that he had not been able as yet to obtain it complete, because he thought that if he had been in a position to produce it, it would have disposed of many of the charges which had been brought against the Act of 1870. Really, he did not see why the Government should refuse to give the particular Return asked for.

MR. MULHOLLAND said, he could not understand why the Government should refuse to give this information. All the information would be in the possession of the Court, and it would appear in the local newspapers, and he did not think that any Irish landlord would have the least objection to the publication of these Returns. It was delightful to find the Irish Members unanimous for once, and as all of them had spoken in favour of this clause, he trusted that the Government would give



due weight to their request. The powers that were proposed to be given to the Court were altogether unprecedented, and as there was nothing to guide the Commissioners, it would be of great advantage to the people of Ireland to know how they were discharging their duty. He did not see how the information could be so well given as by the presentation of a Return similar to that asked for by the hon. Member for Mid Lincolnshire (Mr. Chaplin).

MR. CHAPLIN said, he was more than ever convinced that it was desirable for the Committee to accept this clause. With all respect to the right hon. Gentleman the Prime Minister, he thought that in the last speech made by the right hon. Gentleman he had entirely changed his ground. It was quite true that he (Mr. Chaplin) had consented to give up the words "circumstances and reasons;" but he had done so at the invitation of the right hon. Gentleman himself, and in order to get rid of a difficulty which the right hon. Gentleman pointed out. But now the right hon. Gentleman said that as those words had been given up the whole clause was useless, and vitiated the entire proposal. Now, how was that consistent with the right hon. Gentleman's assurance that there was to be a record which was to be laid on the Table of the House? His hon. Friend (Mr. Mulholland) said that all the particulars would be published in the local newspapers. That was quite true, and all that he asked in addition was that once a year the same particulars should be placed on the Table of the House in a concise form. Certainly, it was of interest to the tenants to know whether the rents had been increased, and it was to the interest of the landlords to know whether they had been lowered. His hon. Friend the Member for North Devon (Sir Thomas Acland) told them that it was desirable to have the information; and then, having told them that, he proceeded to argue that it was undesirable that the means of getting the information should be provided in the Bill. He entirely differed from his hon. Friend, and thought it was most desirable and necessary that the means of getting the information should be provided by Parliament before the Bill became law. That being so, unless he could get a more satisfactory assurance

from the Government, he should certainly take a division upon the clause.

MR. DALY joined in the appeal to the Government to permit the publication of this information. It would involve no trouble whatever to the Court, as the Court or the Commission must keep a record of the cases which came before it to be tried. He believed himself that the first thing they had to do in regard to the Commission was to create confidence in the mind of the public, and he thought it was even desirable to have a summary published of all the cases and of the reasons for the decisions, so as to enable all persons to see whether there was uniformity of decision. Such a Return would be invaluable to Members of Parliament. It would enable them to ascertain whether the Assistant Commissioners were able and competent men. At present there was some distrust in the mind of the public as to the manner in which the provisions of the Bill would be carried out, and a similar distrust had been displayed in regard to the working of the Act of 1870. Certainly, there had been a great want of uniformity in regard to the decisions of the Chairmen in the different counties. He thought the Prime Minister had failed to give any good reason why the Return in an extended form should not be annually made. There was another feature. The hon. Member for Cork had said that 12 persons would see that a certain uniform basis of rent would be established through the majority of opinions, if the majority were to be the basis for an advance of rent, or if it was to be a basis for leaving things as they were. He (Mr. Daly) believed that the publication of these statistical summaries would be one great reason for deterring people from going to the Court. There really were no reasons but those applicable to the question of the labour of getting them out, why they should not have the Return asked for in its extended form.

MR. REDMOND sincerely trusted that this Motion would be pressed to a division. It seemed to him that they had arrived at a condition of things in which the demand advanced was almost unanswerable. They found that the demand made by the hon. Gentleman (Mr. Chaplin) had been put forward on behalf of Gentlemen who, perhaps, of all others in that House, might be more

*Mr. Mulholland*

accurately supposed to represent the landed interest on that question; and, on the other hand, the proposal was strongly recommended and supported by those who represented directly in that House the tenant farmers of Ireland. They had, therefore, both parties who were interested in the question most anxious for a Report such as was asked for by the Motion before the Committee. What, he asked, was the demand that had been made? It was simply this, that the Land Commission should not carry on their work in the dark. It was simply that the working of the Committee should be reported annually—that the amount of the reductions of rent which the Commission might make should be annually published; that a Return should be made which would have, in one column, the old rent, and in another column the judicial rent, and in a third column, perhaps, the valuation rent. It seemed to him that the contention of Her Majesty's Government that, because they thought it unadvisable in every case to state in a Return such as this the reasons on which the Land Commission might come to a decision, therefore they should not state the decisions themselves, was wholly and utterly indefensible. For his part, he could not see why they should not only state the decisions, but also the reasons that had guided them in arriving at those decisions. Of course, if they went minutely and fully into every particular case decided, and the reasons which in any way had governed those decisions, they might have to furnish very voluminous Reports; but he must say that the statement that the production of those Returns would be invidious, had, in his view, no foundation whatever, because they found that the hon. Gentleman who had spoken a moment ago, and who was a landlord, or who represented landlords, and others who acted with him, were most anxious that this Return should be made, and it was not likely that they would ask for any information that they thought would be prejudicial to the landlords. The House had been told, not only on this occasion, but on almost every other in reference to this Bill, that the conduct of the landlords in Ireland had been such as not to be in the least liable to injury by having the full flood of light thrown upon it. On more

than one occasion the right hon. Gentleman the Prime Minister had stated that the majority of the Irish landlords had been acquitted of any misconduct as far as rents were concerned. If this were so, on what conceivable ground could Her Majesty's Government in justice refuse that a Report should be made to that House which would acquaint them exactly with the condition in regard to rent in which the Commission would find those estates with which they would deal, as well as the condition in regard to rent in which the Commission would leave them? He must express his sincere hope that the Motion before the Committee would be pressed to a division. He did not think it could be fairly left to the Commission to do the work they were charged with without a special clause directing them to do what was now proposed. If it were supposed that the Commission would make such a Report of their own Motion, then the speech of the Prime Minister and others who had opposed the Motion were wholly unnecessary, because their case was that such a Report ought not to be made. ["No!"] Hon. Gentlemen said "No!" but he asserted that the contention on the part of the Government was that the Report asked for ought not to be made. It had been refused by Her Majesty's Government on the ground that the Commissioners could not state the figures without giving the reasons that guided the settlement of those figures, and that, consequently, the Report asked for ought not to be made. This being so, he sincerely trusted that the hon. Member who had charge of the Motion would press it to a division; and for his part he was not sorry that, almost for the first time during these discussions, he should have the pleasure of finding himself in the same Lobby with the Conservative Party.

MR. JOHN BRIGHT: As I have listened to the arguments used in support of this Motion on that side of the House, I have arrived at the conclusion that I shall be compelled to vote against it. The hon. Member for Mid Lincolnshire (Mr. Chaplin) has said that there might be some great hardship in particular cases, and that particular judgments and counter judgments might require exposure and discussion in this House; but I think that neither the House nor this Committee will desire that we should

have some 20,000 cases published in a Blue Book in order that the hon. Member for Mid Lincolnshire may pick out one or two cases of great hardship and bring them before this House for exposure and discussion. The hon. Member for Cork City (Mr. Parnell) has said he wishes to have a summary of the business done by the Commission; but that is exactly what the Commission are bound under this Bill to give. In the clause, as already passed, there are these words—

“The Land Commission shall once in every year, after the year 1881, make a Report to the Lord Lieutenant as to their proceedings under this Act, and every such Report shall be presented to Parliament.”

That is as comprehensive as the direction generally given to Commissions of this or any other kind as to the Reports they shall make. The hon. Member for Mid Lincolnshire further said there would be different judgments and opinions in the working of the Act in different districts of the country; and he wished to examine these, and contrast them, and put one against the other—in fact, to bring generally the secrets of the various Courts in Ireland, not only before the public, but before this House, for the purposes of discussion, approval, or censure. I do not see why we should do this. We have lately had a Question put in this House to the Home Secretary as to a sentence passed by one of the Judges. The right hon. Gentleman the Home Secretary said he had no power to alter the sentence, or increase the severity of it; but what would be said if hon. Members from Ireland, or the hon. Gentleman (Mr. Chaplin) were to be constantly bringing questions as to the decisions of the Courts under this Bill before the House? It seems to me that we should, by passing this clause, be showing a want of confidence in the Commission that is being appointed which is quite unusual, which is quite unnecessary, and which might lead to very great difficulty hereafter. The hon. Member who spoke last (Mr. Redmond) seems to be quite unaware that the Commission are already bound by a clause in the Act to make a Report to Parliament, and there can be no doubt that the Commission will be most anxious to give Parliament the fullest information that can possibly be required; and if it should be possible to suppose that the Commission would be unwilling to

do this, the Lord Lieutenant or the Chief Secretary would be willing to urge upon them the necessity of discharging their duty in this respect; while if there should be any such failure to give information, it would be easy for hon. Members to complain that the Report was not sufficiently clear. There are plenty of modes of getting what we want without drawing a hard-and-fast line like this, by which we should be saying that the Commissioners are to put down every particular case. If on every occasion the Commissioners were to put down every case that came before them from all parts of Ireland, you would have one half of the Commissioners engaged in recording what the other half does, and at the same time compiling a Blue Book of such a size that nobody would read it, and of which, if anyone did read it, he could make no practical use. I think the Committee might trust to the Executive Government and the Commissioners for all the information that will really be required, without laying down rules that would be very inconvenient and entirely unnecessary.

Mr. E. STANHOPE said, he thought that if anyone showed a want of confidence in the Commissioners it was the right hon. Gentleman the Chancellor of the Duchy of Lancaster, who did not seem to desire the proceedings of the Commissioners to be made public. The right hon. Gentleman had intimated that if they wanted to get the particulars asked for by the clause there was no doubt they would get them if they were to move for them in the ordinary way; but he (Mr. Stanhope) and those who acted with him said “No.” They might find that the Commissioners would not make the sufficient Returns nor in reasonable time, and they desired by a clause of this kind to give warning to the Commission that such Returns were likely to be wanted, and that it was necessary that so useful a check was to be kept.

LORD RANDOLPH CHURCHILL said, the right hon. Gentleman the Chancellor of the Duchy of Lancaster in opposing the clause had said that he thought a use might be made of the Returns which would bring the decisions of the Courts to abuse, and that one part of the Commission would be holding views that were opposed to those of the other part, while the decisions in

*Mr. John Bright*

one county might be adverse to those of another county. But this result would not be effected by the granting of the Return; it was what would happen in any case, for the proceedings of the Court would be sure to be subjected to the closest possible scrutiny and brought before the House and made the subject of debates. The great object of the Return was that by its means the House should have the most reliable possible information. The Report of the Commission would otherwise be a most general thing; and it was absolutely essential that general Reports of this kind, which would lay down general principles, should be borne out by detailed statements. No doubt, Her Majesty's Government had a very good reason for refusing this complete Return. It was because Her Majesty's Government knew—but perhaps he should be wrong in saying what he was about to say, and he therefore would not say it. He might, however, say that the reasons which had been assigned by the right hon. Gentleman the Chancellor of the Duchy of Lancaster were not very strong.

MR. MACARTNEY said, there was one remark that had been made by the right hon. Gentleman the Chancellor of the Duchy of Lancaster that had struck him very forcibly. The right hon. Gentleman had said the Commission would be ready and willing and prepared to give the fullest information to the House. Well, this was all the Committee required. What they wanted was the fullest information in every particular, and if the Commissioners would be willing to give this it seemed most natural and just that it should be required by Act of Parliament. He merely wished to add that a great deal of the time of Parliament would in future be saved if such an annual Return as was asked for were given, because it would otherwise happen that wherever information might be required as to particular districts, hon. Members representing those districts would ask for Returns; and as this process might be repeated over and over again, and week after week every Session, it would save time if the Returns could be given in the form asked for.

Question put.

The Committee *divided*.—Ayes 97; Noes 161: Majority 64.—(Div. List, No. 326.)

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

PUBLIC LOANS (IRELAND) REMISSION  
BILL.—[BILL 212.]

(Mr. Chancellor of the Exchequer, Lord Frederick Cavendish.)

THIRD READING.

Order for Third Reading read.

LORD RANDOLPH CHURCHILL said, he objected to a measure of this kind, which related to a very large sum of money, being run through the House at that hour. He should block the Bill in order to get a full statement from the Government respecting it.

Third Reading *deferred till this day*.

The House suspended its Sitting at five minutes to Seven of the clock.

The House resumed its Sitting at Nine of the clock.

LAND LAW (IRELAND) BILL.

Progress resumed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) proposed a new clause, providing for additional payments to clerks of the peace and other officials, in respect of any duties imposed upon them by the Bill.

Clause *agreed to*, and *ordered to be added* to the Bill.

THE CHAIRMAN: The clause of the hon. Member for Waterford County (Mr. Villiers Stuart), dealing with the state and condition of labourers' dwellings, is rather for a Public Health Act than for a Bill dealing with the Land Laws, and is, therefore, outside the scope of the Bill.

MR. VILLIERS STUART regretted exceedingly that it should be so; but, of course, if it were ruled out of Order, there was nothing for it but to submit. Sanitary inspection was most important, and one of the leading features of any Bill for the improvement of Ireland; and a want of sanitary conditions caused a great waste of the health and strength of the people. He would only add that the clauses already passed were, of course, very valuable, but they did not

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cover the whole of the ground by any means.

MR. O'SULLIVAN asked if that part of the new clause which had reference to the erection of labourers' dwellings was out of Order?

THE CHAIRMAN: I understand that all these clauses of the hon. Member hang one to the other and run in sequence. They are, therefore, out of Order.

THE O'DONOGHUE then proposed the insertion, after Clause 18, of the following Clause:—

(Security to labourers of equitable rent and permanence of tenure.)

"Every letting to a labourer under the two sections lastly hereinbefore contained shall be for the statutory term created by the Court at the time at which the Court sanctions or requires such letting, or in existence at such time, and shall cease and determine if and when the labourer to whom it is made shall refuse or omit without reasonable cause to work for the tenant of such statutory term.

"In fixing the rent to be paid by the labourer in respect of such letting, the Court shall have regard to the acreable rent paid by the tenant of the holding, and to the expenditure (if any) made or to be made by him for the purposes of fitting the premises sanctioned or required to be let for the residence or accommodation of the labourers to whom they are let.

"The procedure for the recovery of cottier tenancies under the statute of the twenty-third and twenty-fourth years of the reign of Her Present Majesty, chapter one hundred and fifty-four, sections eighty-four, eighty-five, eighty-six, and eighty-seven, shall be applicable to proceedings for the recovery of lettings to labourers made under the two Clauses lastly hereinbefore contained: Provided always, That either party to any such proceedings shall have a right of appeal to the Court; but such right of appeal, if exercised by the labourer, shall not give him the right to keep possession of the premises let to him pending such appeal."

The hon. Gentleman said it was not for him to address the Committee at any length at this stage of the Bill, more especially as he did not anticipate that he would carry his clause. At the same time, he thought that it contained a very useful provision. There were very nearly 700,000 occupiers of land, and if they were reckoned five to a family, it would give a population of over 3,000,000. Taking the labourers at about 200,000, and allowing five to the family, they would have a population of about 1,000,000. He did not think this would be considered to be a very low estimate, when they remembered that it only left 1,100,000 of all the other various classes of which the Irish community was com-

posed. Of this 1,000,000 of the labouring population he did not suppose that there would be more than 300,000 who could be fairly classed as able-bodied, and therefore fit to be employed as agricultural labourers. He might assume that no one would think of compelling farmers to take labourers if he did not want them; and he thought it would be admitted that the farmers themselves must be the best judges of whether they wanted the labourers or not. He did not think that there would be anything feasible in the proposal to enable good landlords to take half-acres or acres from the farmers, nor to have the labourers down upon them. This being his view, he certainly could not have voted for the Amendment which had been placed on the Paper by the hon. and learned Member for Dundalk (Mr. C. Russell). If he himself were a farmer, and the landlord took an acre or a half-acre of his holding and put a labourer upon it, he most certainly would not employ that labourer, and he would assert his right to choose his labourers for himself. He approved of the proposal by the Government that the initiative of providing for the labourers should rest with the farmers; and he thought that the ultimate decision as to whether the holding should be in the labourer at all should be left to the Court. He had no doubt that the Court would do what was necessary to comply with the wishes of the farmers when they wanted to take labourers. The interposition of the Court would be useful to save the farmer from putting undue pressure upon the labourer, and it would save the public from the establishment of mere squatters. It would also guarantee, as far as legislation could do it, that the labourers would only settle down where employment could be provided for them, and where, therefore, they could be made comfortable. At all the meetings held during the land agitation, the farmers themselves said they would, as far as possible, considering the difference in the position of the farmer and labourer, obtain for the labourer the advantages they got for themselves. The clause which had been carried in the Bill certainly secured equitable rent for the labourer, but nothing with regard to tenure; and it was to remedy this defect in the proposal of the Government that he was anxious this clause should be

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added to the Bill. If a farmer made up his mind to take a labourer, he went before the Court and obtained the sanction of the Court to have that labourer; and he (The O'Donoghue) proposed by this clause that the labourer should have the same tenure as the farmer. If the farmer lost his holding owing to any of the causes of forfeiture under the Bill, he proposed that the labourer should lose his holding also, because the same measure gave him a right to his allotment and his cottage. Of course, they did not know whether the next occupant of the farm would want labourers at all, and if he did he supposed it would be admitted that he should have the right to choose for himself. He proposed that the labourer should only forfeit his tenure of the cottage and the allotment in the case of his refusal to work for the farmer; and his clause empowered the farmer to go before a magistrate at Petty Sessions to obtain recovery of his cottage and his holding, if he could show that the labourer unreasonably refused to work. Of course, he took it for granted that the magistrates and the Land Commission would take into account whether the farmer acted reasonably or unreasonably. He could imagine the magistrate or the Court deciding, in a case where the farmer offered wages below the ordinary wages, that that was unreasonable conduct on the part of the farmer, and the labourer should not forfeit his cottage and allotment for refusing to work for wages below the ordinary rate. The clause gave both parties a right to appeal to the Land Court; but, pending the appeal, it did not enable the labourer to retain possession of his cottage. He was aware it would be said that it would be unreasonable for the farmer to keep a labourer whom he did not like; but he could not admit that argument when the landlords objected to the tenants having a permanent tenure. They said—"Why should they keep tenants they did not like?" But that argument was rejected; and, therefore, he did not think it could be used in the interest of the farmers, nor did he admit that the agricultural labourers could be treated as domestic servants any more than they could treat artizans in a factory or miners in a mine as domestic servants. Farmers could not expect to have everything their own way any more than the landlords—they must be prepared to make sacrifices for the

benefit of the labouring population. All the agricultural classes under this Bill were going to have a fresh start under most favourable conditions, and the farmers must do what they had engaged to do in carrying out the wishes of the labourers; while the labourers on their part, he was certain, would recognize the fact that it was their interest and their duty to make themselves useful to the farmer. He certainly should press this clause to a division, if it were only to obtain an expression of opinion as to the right of the labourer to have a permanence of tenure.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he was afraid that the object the hon. Member had in view was foreign to the purpose of the Bill. The provisions after which the hon. Member proposed to insert his clause did not contemplate the erection of cottages for agricultural labourers for any fixed or specific period, but enabled the farmer to provide proper and suitable tenements for such labourers as he employed. The Amendment of the hon. Member proposed to locate the labourers, and turn them from the condition of labourers into tenants; and, if it were followed out to its consequences, the result would be this, that when the farmer got a statutory term of 15 years, the labourer who happened to be employed at the time for the farmer would also get a statutory term for his dwelling, and, instead of being one of a migratory class, would be continued for 15 years, and possibly even for successive periods of 15 years. It seemed to him that it was quite impossible to accept the Amendment, and therefore he trusted that the hon. Member would not press it.

MR. O'SULLIVAN said, that, in order to secure something for the labourers, decided action should be taken on this clause, because it was melancholy that the unfortunate labourers should have to go from three to four miles to their work, and he thought that the Government should require something to be done for them in this respect. There was no desire to place them where they were not required; but it was important they should live on the farms where they were at work.

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MAJOR NOLAN said, he was not going to discuss the details of this clause; but he certainly hoped that the hon. Member for Tralee (The O'Donoghue) would press it to a division. The hon. Member's way of improving the condition of the labourer might not be his own; but, unless the Committee determined to do something, the labourer would certainly be left out in the cold. They must remember that the labourer in Ireland was in this position—he was created by the landlords, and from the laws of entail and from the impossibility of selling small plots of land, there was no inducement offered to the labourer to save his money for the purpose of purchasing a small plot of land or a house. It was an axiom that the Irish labourer would only save to purchase a house or a plot of ground—something that he could see. A labourer was willing to pay for the house or plot of land, and if he had been able to do that during the last 50 or 100 years there would have been a considerable number of them with plots and houses. They were under a debt to these strong men, and they ought to try and do something for them. Very little had been done hitherto. Several propositions were on the Paper, and he hoped the Government would accept some of them. The clause of the hon. Member for Tralee, although he did not assent to all its details, contained in it something which would do the labourer good.

MR. CHARLES RUSSELL said, he did not yield to the hon. and gallant Member who had just sat down, or the Mover of the clause, in his desire to benefit the labourer. But this was an Amendment which he could not vote for. It was a mistake for the hon. Member for Limerick (Mr. O'Sullivan) to suppose that the effect of the Amendment was to provide cottages or facilities for the building of new ones. [MR. O'SULLIVAN: It provides labourers with cottages.] That was not so. He could quite understand that it might be quite necessary to have some protection for the labourers as against small farmers; but he wanted to point out that the effect of this clause was not to provide them with cottages, but to fix the working population in definite places, although the claims of the labour market might call them somewhere else. This Amendment would be most disadvantageous to the working classes. It would be objectionable to

those having a small quantity of land, instead of taking their labour to market, to be fixed on a small holding. He quite agreed in the desirability of providing increased facilities for the acquirement of proper houses on the small holdings, and he also agreed in the necessity of controlling the terms on which the farmer let the land to the labourer; but this clause would neither effect the one nor the other, for it would fix and limit the supply of labour.

MR. DAWSON said, he thought the object of the Government clause was that where the farmer brought labour to the farm, he should provide accommodation for that labour. That, he thought, was the humane intention of the Bill. But he thought it would be right to place some restrictions upon the relations of the employers and the employed. He thoroughly sympathized with the labourer, and he was sorry to say to the Committee that the clause which he had on the Paper would be excluded from their consideration. In that clause he offered improvable ground on which to labour, and in that lay his hope for the relief of the labour market, which, at the present time, was overstocked.

MR. GILL said, he hoped that the hon. Member for Tralee (The O'Donoghue) would not press his Amendment. He objected to the fixity of tenure to the labourer. The farmer was only allowed to build a certain number of cottages. If these got into the possession of two labourers, who turned out to be idle and drunken men, and unable to do his work, if he left them on his land he would have no means to build cottages for any other labourers, and he would be perfectly at the mercy of these men when they knew that they had fixity of tenure. They might act in a different way if they knew that the farmer could turn them out.

THE O'DONOGHUE observed, that if the labourer got drunk, and was unable to work, as was suggested by his hon. Friend, the clause gave the tenant power to dismiss him. He did not think that there was anything in the argument of the hon. and learned Gentleman who talked about the clause binding the labourer down to his holding. There was nothing to bind him to his holding in it.

MR. BIGGAR said, he did not like to offer any decided opinion upon any

question with regard to the labourer, for it seemed to him to be a very complicated and difficult question; and it was exceedingly difficult to know what effect certain provisions would have. But with regard to the statement of the hon. Member for Tralee, it seemed to him that it was a proposition in which he coincided—namely, that the party who supplied the allotment should not be the landlord but the tenant. The tenant farmer was more likely to know the amount of labour that he was likely to require than the landlord was for him; and, as a commercial speculation, for a landlord to build cottages, it would be perfectly unprofitable, and would not re-imburse him for the outlay. Therefore, in his opinion, the two parties who ought to come together in this matter were the tenant and the labourer. This clause had been unfairly criticized with reference to the statutory term. The principle embodied in this Amendment was very much embodied in the Bill with regard to the holdings of farmers from landlords, because in this clause there was a statutory term for 15 years, and a particular rent; but in the case of certain misconduct of the labourer, the arrangement should cease and determine. They had a similar provision with regard to the holdings of farmers and landlords. If a farmer committed a breach of statutory conditions, he would lose his interest in the holding; so that it seemed, in principle, the two cases were equal. He did not mean to argue that it was a sound principle that there should be such a thing as a statutory term. It seemed to him that this was a very reasonable clause.

Question put.

The Committee *divided*: — Ayes 17; Noes 78: Majority 61. — (Div. List, No. 327.)

SIR WALTER B. BARTELOT said, he had a clause to propose which deserved the serious attention of the Committee. They had given power to the tenant to enable him to purchase his holding under certain conditions. They had also given power to the Court to purchase properties under certain conditions, and he now asked that under certain circumstances they should allow the landlord to get the Commission to purchase his holding from him. He had

amended this clause on more than one occasion. He had endeavoured to simplify it as much as possible by trying to deal only with holdings that came under the statutory conditions which had been imposed. He proposed that when the tenant had asked for a reduction of rent, and statutory terms had been imposed, the landlord should be able, through the Commission, to sell the holding. Looking at the Bill as it now stood, if it became an Act, it would inflict upon many landlords gross injustice. It would reduce rents where hitherto they had been fair and reasonable. It would place the landlord in a totally different position to that which he had ever held before. In 1870 any proposals of this kind would have been met by a corresponding compensation, and he, therefore, ventured to ask that this very moderate amount of compensation, which he now proposed, should be awarded to the landlords. What was the great cry of hon. Gentlemen below the Gangway on the Opposition side of the House? Their great cry had been that there were 660,000 tenants in Ireland who were entitled to become possessors of the soil. He saw the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) in his place opposite; and would he for one moment get up and say that his great object had not been to enable these tenants to become the possessors of the soil which they now occupied? Here he was offering them another opportunity of purchasing their holdings from the Commission. He proposed to give the landlord an opportunity to sell at a fair and reasonable price to the Commission. The right hon. Gentleman to whom he had alluded had argued this question; but it had been still more strongly argued by the hon. Member for the City of Cork (Mr. Parnell), who had said that his great object was to get the estates of the landlords by fairly paying for them. He (Sir Walter B. Bartelot) saw the difficulties that would be raised by the Prime Minister as Chancellor of the Exchequer in the way of the acceptance of this proposal; but when they came to this House and asked for a Bill of this kind they were bound to look at all sides of the case. He ventured to say that he had put the present case fairly before the Government, and had argued reasonably enough that where the landlord was un-

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fairly damnified by this Act, they were bound to compensate him; and he asked them to do that by giving to the tenant an opportunity of purchasing from the Commission a holding at the instance of the landlord. There was something beyond all this to which he wished to call the attention of the Committee. He would point out to the hon. and learned Gentleman the Member for Dundalk (Mr. C. Russell), who was so thoroughly acquainted with all these matters, that this Bill, in its present form, was likely to do very serious injury to the proprietors of small holdings. In the Act of 1848, where they asked people, whoever they might be, to purchase the land in Ireland under the Encumbered Estates Court, they gave the purchasers a title, and enabled them to raise the rents. Many of them had laid out the whole of their capital; and now, when it was proposed to lower the rents, they would be reduced to a point of starvation. What was a fair thing to do under the circumstances? Why, to purchase the property, and to enable people whom they had inveigled into purchasing the land to give it up. If they did not do this the Act would prove a gross injustice to all the small proprietors in Ireland. He would appeal to the Irishmen he saw around him, whether what he said was not really the case? The large properties in Ireland were let at a much lower rent than the small ones, and the reduction would not be so great in their case, so that, in all probability, the Bill would not bring ruin to the proprietors of the larger properties. He would appeal to all those interested in the welfare of Ireland, whether he was not right, and whether, if the Bill passed in its present form, they would not be really expropriating from Ireland the class of small proprietors? If this Amendment were not accepted, what would the Court do? They would take the opinion of the land agents as to what was the value of the property, and the large properties would rule the small ones. The small properties would be found to suffer very materially, and many of their proprietors would be ruined. It was because he believed it was neither the wish nor the object of that Committee to drive out of Ireland the very class of people which, by the Act of 1848 they established there, that he brought forward this proposal. His

*Sir Walter B. Barttelot*

clause was a moderate, fair, and reasonable one, and he appealed to the Committee to support it.

New Clause proposed, after Clause 20, insert the following clause:—

(Purchase of holdings by Land Commission in certain cases.)

“The landlord of any holding may, within twelve months after the same becomes subject to statutory conditions, at the instance of the tenant, give the prescribed notice to the Land Commission requiring the Land Commission to purchase such holding, and forthwith, after receipt of such notice, the Land Commission shall purchase such holding, for such sum as may be agreed upon between the landlord and the Land Commission, or as, failing agreement, may be determined by arbitration in manner by this Act prescribed: Provided always, That the Land Commission may appoint any Land Commissioner or Assistant Commissioner to be an arbitrator to act together with an arbitrator to be appointed by the landlord for the purposes of such arbitration: Provided also, That where such holding is subject to incumbrances, or any doubt exists as to the title, the Land Commission may, unless satisfied with the indemnity or terms given by the landlord, decline to make such purchase as aforesaid.

“Any holding so purchased by the Land Commission may be sold by the Land Commission to the tenant of the same, in accordance with the provisions of this Act with respect to the sale of holdings to tenants, or subject to the tenancy in the same to any other person.”—(*Sir Walter B. Barttelot.*)

New Clause brought up, and read the first time.

Motion made and Question proposed, “That the Clause be read a second time.”

MR. W. E. FORSTER: In the very last night of the debate we have a very important clause submitted to us, which, if adopted, would entirely change the nature of the Bill. I cannot imagine the suggestion of any clause which could have been more important, because its effect would be to impose upon the State the compulsory purchase of any estate a landlord might wish to sell. [An hon. MEMBER: Not the estate, but the holding.] Well, it comes to the same thing, because the holdings constitute the estate. The clause would apply to all holdings and to every estate the tenant or the landlord of which has applied to the Court, and the holding has come under statutory conditions. In all those cases the hon. and gallant Member proposes that the landlord shall have the power of compelling the State to purchase. That might go to an extent

which, it appears to me, might be exceedingly disadvantageous. What we have do neup to this point is this. We have stated that the Government, or the Land Commission, may come in and purchase estates or holdings for the sake of selling them to the tenant. This is a very different matter. The proposal before us is that the State must purchase from the landlord, and may sell to the tenant; and the final result of that undoubtedly would be that the State would become a very large landowner, probably the largest permanent landowner in Ireland. I do not think that would be an advantageous result. The State steps in for the purpose of facilitating both sides agreeing to the purchase of the property by a tenant, and the tenant is allowed, all parties being agreeable, to purchase the fee-simple of his holding. But that is a very different thing from the landlord being able to make the State buy the holding; because there is no security whatever that the State, subsequently, will be able to sell to the tenant. The State may, therefore, as I say, become the largest permanent landowner in Ireland, if this clause is adopted. The hon. and gallant Member justifies that on this ground. He says the clause would not apply to large properties. Well, I am not at all sure that would be the case. I am not at all sure that large landowners would not take advantage of it; but whether they would or would not, the hon. and gallant Member justifies it on the ground that small landowners would take advantage of it, because, he says, this Bill would reduce them otherwise to starvation point. What right has he to suppose that? The Bill merely contemplates that the holdings should be sold at a fair rent. Why should we throw on the tribunal, which is to fix a fair rent, the slur that it will reduce the rents in the case of small holdings to starvation point? There is no reason whatever to say that. I think this Bill will be justified by what will happen, and I think the final result of the measure, within a few years, will be that the landowners of Ireland, small and large, will be better off than they are at this moment. Therefore, there is no reason for the State to step in in this way. I hope the Committee understands the exceeding width and importance of this clause, which we are asked to pass on the last night of the Committee on this Bill—a

clause the effect of which, in all probability, would be to make the Government—that is, the taxpayers of the Three Kingdoms—by far the largest landowners in Ireland.

LORD RANDOLPH CHURCHILL said, it was perfectly true, as stated by the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, that the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) had moved one of the most important Amendments that could possibly have been brought forward on this Bill. In considering this Amendment, he could not help recalling some of the phases through which it had passed. It did not altogether owe its origin to this side of the House. It had been put down in very much the same form—he thought in almost, if not quite, the same words—[Sir WALTER B. BARTTELOT: Not quite.]—in almost the same words by the hon. Baronet the Member for the Eastern Division of the West Riding of Yorkshire (Sir John Ramsden). The Amendment had been put down with a tremendous flourish. It was put down shortly afterwards by the hon. Member for Great Grimsby (Mr. Heneage), and that hon. Member had succeeded in running the Government to a division in which they had only a majority of 25. Encouraged and elated by what was almost tantamount to a victory, the hon. Baronet (Sir John Ramsden) put on the Paper a similar Amendment at a later stage; and they had every right to believe, from conversations that had taken place, that this was the great rallying-point of the Whig Party—that the Amendment was to be supported by the entire strength of the Whig Party, which was, in all likelihood, to put the Government in a minority if they resisted it, and which was also, as far as they could understand, to be supported by independent Members from Ireland. That was some time ago. But the division on the Amendment of the hon. Member for Great Grimsby had a most extraordinary effect, and had led to some extraordinary incidents. A Circular was issued by the Birmingham Caucus, warning the Whigs that their conduct in regard to the Amendment of the hon. Member for Great Grimsby had been such as to bring on them the censure of the Liberal Party, and that if they persisted in this evil course of bringing forward Amend-

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ments to which the Liberal Government could not assent, they would have no chance of being again returned to Parliament in the Liberal interest. The effect of that on the hon. Baronet and his Friends opposite had been surprising. The Whigs had seen clearly enough that the effect of the Bill would be to plunder certain classes, and their desire had been to offer some compensation. But where was the Whig Party now—where were the unfortunate and miserable Whigs? He did not see one—he did not see a single one of the gallant 35 who followed the hon. Member for Great Grimsby into the Lobby. He saw the hon. Member for Ipswich (Mr. Jesse Collings), who was not altogether unconnected with the Birmingham Caucus, and he offered him his humble congratulations upon the success which had attended the celebrated Circular—on the effect that it had produced on this Whig coterie. The Whigs had abandoned their Amendments; they had run from the battle. It was to be hoped that, like those who fought and ran away, they would “live to fight another day.” Now, the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) was left alone in his glory to move this Amendment. Its principle was such that if it had not been for the Bill—if it had been proposed by itself—it was not such as his hon. and gallant Friend would have brought forward. The Committee had, to a certain extent, abolished a great many of the rights of ownership, and what they might call the amenities of ownership. Before the measure was brought in, a man had rights and privileges which, in the event of the measure passing, he would no longer possess. Hon. Members opposite said that the Bill would not place the landlord in a worse position than he was in before. Well, as to the actual collection of rent he was not sure that that would not be so; but there were other privileges and rights connected with the ownership of property besides the mere collection of rent. There was the right and privilege of improving land and spending money on it, of separating farms and adding to them, of erecting farm buildings or taking them away, or of converting them to other purposes. All these rights the landlord had now, but they would vanish when the Bill passed. They had taken away these rights, which were as sub-

*Lord Randolph Churchill*

stantial as anything they had given to the tenant, and they reduced him to the position of Shylock, to whom they would give nothing but what was in the bond. The landlords replied to them—“Now, you say you deprive me of part of my property, and I call on you to take the whole.” That was the principle pursued in all railway legislation which was effected for the benefit of the community. They said to a Railway Company that proposed to take a portion of a person’s property—“You shall not take a part without the whole.” [“No, no!”] Well, he ought to have some knowledge upon this question. He had had some experience with regard to it, because he had succeeded in defeating a Bill which proposed to subvert that very principle. The whole principle of railway legislation had been that a Railway Company had no business to spoil a man’s property unless they were prepared to buy the owner out. [“No, no!”] Yes; it was absolutely so, and all the hon. and gallant Member for West Sussex asked was that they should deal in the same way with the Irish landowners. They were not legislating for the benefit of the Irish landowner, they were legislating with the object of securing peace in Ireland, and for benefiting the people of Ireland; and if, for that object, they interfered with private rights and the privileges of private landowners, they must be prepared to pay the penalty—they must be prepared to purchase them out altogether. There was nothing he would look on with greater fear and alarm than seeing all the Irish landlords bought out. It seemed to him that the Government wished to leave the Irish landlord in the odious position of being a rent-charger—of having nothing to do but to exact a tax from the people of Ireland, and simply because they dared not come in and take that duty upon themselves. They were making the landlords the buffers between the Irish people and themselves, and it was that that his hon. and gallant Friend wished to avert. If the Government chose to initiate legislation of this sort, and, without compensation of any kind, to plunder individuals, he would say to them—“Face the mob you have excited yourself. Take the responsibility of collecting the rent yourself, and do not throw it upon a class whom you refuse to protect.” The ob-

ject of the Amendment was to bring before the Government the real responsibility they had taken up in this matter. There were many landlords in Ireland who had devoted their lives to the improvement of their land and the advancement of their tenants. ["Oh, oh!"] Yes, there were many of this kind in Ireland; but they would not be prepared to stop in the country one hour the moment they were deprived of the power of doing good, and the moment they were placed in the odious position of being merely tax-gatherers. The Amendment was one which would not have been proposed had it not been for what had gone before. Remembering what the landlords had done in Ireland, he was prepared to assist his hon. and gallant Friend in endeavouring to protect them from the hateful position into which it was now sought to place them.

MR. CHARLES RUSSELL said, he did not propose to follow the noble Lord opposite (Lord Randolph Churchill) through all the details of his interesting, although somewhat excited speech. It was a mystery to him how the noble Lord was able so frequently to work himself up to such a pitch of excitement. What was the grievance? When the statutory condition was seriously contemplated it would be found simply to mean that the Court was to fix a fair rent for a fair period. He could not understand how the noble Lord could take such an exaggerated view of the hardship on the landlord of having that fair rent fixed. The Amendment involved the adoption of an altogether new principle not hitherto to be found in the Bill, because, up to this moment, that part of the measure dealing with the sale of estates was entirely voluntary. The estates were to be purchased where the landlords were willing to sell, and where the Land Commission was willing to buy, the Land Commission, however, having first ascertained that the tenants themselves were willing to purchase. How was the new principle sought to be justified by the hon. and gallant Gentleman? He put his point very clearly, and it was this—that under the operation of this Bill the rents of the small landlords of Ireland would be reduced to what was called starvation point. What did that mean? Were the words "starvation point" used as synonymous with the words "fair rent;" because, if they were not, how was the

starvation point reached? All the Court would have to do would be to fix a fair rent. What was the next stage of the argument? This proposal was supposed to be for the benefit of the landlords, but how was it to benefit them? Did the hon. and gallant Gentleman suppose that the purchase of an estate upon a rent which he described as at starvation point would satisfy the landlord? If all that it was worth was to be given, and if the value was as was described by the hon. and gallant Member, how was the small landlord to benefit? He left the hon. and gallant Member, when he came to address the Committee, to explain this. The hon. and gallant Gentleman could only hope that by the machinery laid down in this clause the small landowner might get more than his estate was worth; because, unless that was so, no benefit at all was conferred upon the small landowner. He would point out that this clause did not provide at all for tenants being willing to purchase. All that was necessary to satisfy the conditions of the clause was that the Land Court should buy at the instance of the landlord. The Land Commission might in that way be asked to buy up many, and those the most unsuitable, estates in Ireland; and, therefore, he submitted that the proposal was faulty in principle and would not serve the purpose the hon. and gallant Member had in view.

SIR STAFFORD NORTHCOTE: There can be no doubt that the objections raised to the clause moved by my hon. and gallant Friend, both by the Chief Secretary to the Lord Lieutenant and the hon. and learned Gentleman (Mr. C. Russell), are objections of a clear and substantial character, and I have no doubt that my hon. and gallant Friend is perfectly conscious of the fact. At the same time, there are two sides to this question, and I think my hon. and gallant Friend has done well in bringing the matter before the Committee in the form in which he has introduced it. Let me remind the Committee of what has been said on former occasions as to this question of compensation. I will not allude to speeches made 10 years ago, when we were told that some of the things now proposed were of such a character that they could not be recognized, because they would give the landlord claims to compensation which

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it would be inconvenient to deal with. But even in the discussions on this very Bill itself we have had expressions of a general character from the Prime Minister, in which he has used such language with regard to compensation as implied that the matter was one he did not decline to consider on principle, but which he would put aside until he saw during the progress of the Committee whether any case for compensation could be made out. We have always held throughout these discussions that it was quite possible on a principle to come before Parliament and say—"Now, by this legislation you have inflicted a serious blow on the landlord class, and you have done that for a purpose that you consider to be of national importance; and if you do, for the purpose which you consider to be of national importance, injure a particular class of society, it is but reasonable that some compensation should be made to them." Well, if that is so, you come to the difficult question, how is the compensation to be assessed, and how is it to be discovered what the compensation shall be? The suggestion which has been made by more persons than one, by persons sitting in different parts of the House, and which is embodied in the proposal now before us, is this—that instead of attempting to assess compensation in particular cases, you ought to allow the landlord, when he feels himself to be aggrieved by the measures you have adopted, to compensate himself by selling that property which he is no longer able advantageously to hold. There are a great many classes of cases in which the landlord will undoubtedly be the sufferer, and will have a claim against the Legislature which has made him a sufferer. No doubt, the man who holds the whip looks upon a whipping from a different point of view to the man who feels the lash; and Members of this House, no doubt, look upon the results of this measure in a different light to the unfortunate men who have done the best they can, and who have made great sacrifices for the improvement of the country in which they live. These landlords will have to suffer considerable inconvenience and loss—a loss which must be measured not only by the direct loss they sustain in consequence of the reduction in the amount of their rents, but

indirectly by the apprehension which must necessarily arise through the power of Parliament of further reducing their position and income by future legislation in the same direction. It does not seem an unreasonable proposition that a landlord who finds himself in this position—that on the one hand he will be odious to the country and his tenant as a mere rent-charger, with no power of executing improvements; and on the other hand finds himself deprived of the income he has enjoyed, and who is left subject to heavy burdens that he is not able to bear, and who will always remember that he was encouraged to invest his capital and take up these burdens by the State and by Parliament itself—it does not, I say, seem unreasonable that a landlord so situated should feel his position to be a very unfair one. It is not at all unnatural that he should desire to be relieved from that position. Then comes the question of policy. Is it desirable that you should compel men in that position against their will to remain on their properties? Then comes my hon. and gallant Friend's proposal. No doubt, that was met by most serious objections. It was met by this great objection in practice—how is the Commission or the State to manage if the whole or the greater part of the land of Ireland is presented to them for purchase, and they are compelled to take it? My own suggestion, however, would be that the difficulty might be got over by giving the landlord the option of selling his property at a price which, while it would save him from utter ruin, would offer him no undue inducement to sell. Take the judicial rent as your basis, and give a limited number of years' purchase—say 20 years. By so doing you surely would not tempt the man to sell. You should give that kind of relief that is given in the Money Market, if I may use the illustration, in a time of panic when you suspend the Bank Act. When people find that they can get money at 10 per cent, they are not so anxious to run after it. The knowledge that they can get it gives relief. I admit that this clause, taken by itself, while it is valuable as enabling my hon. and gallant Friend and those who agree with him to state their case, and point out what the difficulty in principle is, would require a good deal more pressure before it could form any legislative measure; and, look-

*Sir Stafford Northcote*

ing at the circumstances in which we stand, I hope my hon. and gallant Friend will not think it necessary to call upon us to divide. ["Oh, oh!"] I do not understand what hon. Gentlemen mean by that expression; perhaps they call for a division. But I have expressed my own opinion that the clause contains in itself the recognition of a principle which Parliament ought to be slow indeed to infringe, and that is, that when you sacrifice the interests of a class for what you consider a general benefit, you ought to be called upon to make compensation. ["Oh, oh!"] Well, perhaps it is one of those principles which is going out of fashion, but it is one for which I have some respect. It is, perhaps, the remnant of an old prejudice, but some of us think it is the remnant of an old principle. I should be sorry to see it entirely abandoned. Though I could not support the clause as it now stands, I think it does contain a germ of a principle that it is desirable to recognize.

MR. GLADSTONE: If, as has been said, Parliament is about to invade the property of the Irish landlords, this question of compensation becomes a very serious one indeed, and one concerning which, if we are prepared to deal with it at all, we ought to speak in most decisive terms. I certainly, in that sense, see no advantage that can be gained by following the course of the right hon. Gentleman opposite, and telling the hon. and gallant Baronet behind him that, though his proposal contains a very important principle, he ought not, in the circumstances, to press it. If, in truth, the principle of the clause is an important one, we ought not, as a Government, to be content to get rid of it on the strength of a few sentences of fair words, which will bear no fruit whatever. That, at any rate, is not my idea of dealing with questions of property. I remember—and I do not suppose many hon. Members will have forgotten—the period at which the late Government actually confiscated the property of the owners of advowsons in Scotland, by giving them, in the shape of compensation, a price which bore no relation to the market price of their property. We, in 1869, having to deal with the holders of advowsons in Ireland, provided that every one of them should receive the full market price of

his property. This we held to be the true principle on which the compensation should be based; and this is the principle on which we hold that the question should be approached on the present occasion, if approached at all. I do not hesitate to say that I look upon this matter as vital to the Bill; and I am determined, as far as I am personally concerned—and I think I can, speaking for my Friends near me, say that they share in my determination—that, in doing our duty to the several classes in Ireland who are immediately affected by the Bill, we shall not forget the duty we owe to the nation at large. If these classes, either or both of them, have a just claim to compensation in consequence of the manner in which their interests will be affected by this Bill, we are bound, as a Parliament, to give it to them; but, if not, it is our determination, as it is also our obligation as a Government, to offer a firm resistance to any claim to compensation that may be put forth on their behalf, and not to palter with the matter by setting forth stories about possible coming evils. This claim for compensation has been too often urged. At the time of the Corn Law agitation an immense advantage was conferred upon the Irish landlords, and they were compensated by a very heavy charge upon the Public Treasury. On various other occasions, from time to time, claims for compensation have been urged upon that patient and enduring creature, the public of this country; but, in my opinion, those claims have never yet been made good in reason and in argument, nor, in my opinion—for that matter—has a much more plausible case been set forth than the one which is now before the Committee. I do not hesitate, with regard to that case, to say that if it can be shown, on clear and definite experience at the present time, that there is a probability, or if after experience should prove that, in fact, ruin and heavy loss is likely to be or has been brought upon any class in Ireland by the direct effect of this legislation, that is a question which we ought to look very directly in the face. But what I contend is that there is no such case before us at the present time, and that the Member of this House who votes for compensation as now proposed must vote against his convictions, in that there is no case

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under this Bill for claiming compensation. In the year 1870 the claim for compensation, though occasionally mentioned in the course of the debates, did not take any substantive form; but there was a great deal more to be said at that time in support of claims for compensation than there is now, because, in 1870, there was this fact patent that by the law of the land anterior to the passing of the Bill and the making of the Act, improvements on the holdings which were made by the tenants were the property of the landlords, and by the Act of 1870 that particular property of the landlords became distinctly and undeniably the property of the tenants. Therefore, in 1870 there was, at least, a *prima facie* case for compensation. We, I may say, did not believe in the existence of a real case for claiming compensation. We believed—and our belief has been borne out by experience—that the Act of 1870 in the aggregate of its operations went to improve, and not to depreciate, the value of the property of the landlords. Upon what ground at the present moment, therefore—and I am not speaking of anything that experience may hereafter develop, as to which I have my own opinions and expectations—is it that, having regard to the proposed legislation now before us, compensation is to be demanded? If it is to be demanded, according to this clause, because a judicial rent and statutory terms are about to be established, all that I can say is, that a judicial rent can only be fixed, and statutory terms can only be established, according to the judgment of a dispassionate and impartial judicial body who will have to decide between man and man according to facts proved before them. I admit that it is unusual, and requires very strong and exceptional circumstances to justify the passing of an Act of Parliament which contemplates the fixing of a judicial rent; but I deny that it is an injury to any one class in particular. Why is it, or can it be, an injury to the landlord to have fixed a fair rent; and, if such a fact could be possible, why is it not an injury to the tenant? If you are to compensate the landlord for having fixed a fair rent, which may, in certain cases, be a reduced rent, why should you not compensate the tenant when it is perfectly possible that the fair rent fixed by

*Mr. Gladstone*

the Court may be an increased rent? No man can say, at the present moment, in how many cases this will happen. The hon. Member for the City of Cork (Mr. Parnell), than whom there are few men more qualified to speak on this subject, has distinctly indicated his opinion that many of the absentee landlords have, as it were, compounded for the fact that they were absentee landlords, and performed the duty pertaining to such landlords by giving their tenants the benefit of low rents. As I then stated, my opinion was that the operation of the Bill would, in many cases, have the effect of raising the rents, and thereby creating discontent. I quite agree that if Parliament were to pass a law providing that rents in Ireland should be universally reduced to Griffith's valuation, that would be a fair case for compensation; but in the present case, the State, on the ground of policy, on the ground of humanity, and on the ground of general utility, interfered with private property. No one can doubt that at one time the State endeavoured to fix wages; but no one, as far as I know, has ever heard that compensation was ever claimed from the State for persons whose wages were so reduced. This, I take it, was a much stronger case than the one now before the Committee. The State has again and again, as hon. Members know, limited the access of employers of labour to the labour market, and has made labour comparatively dear by means of that action; but employers of labour did not on that account come to this House and make and lodge a claim for compensation. I am quite sure that the speech of the right hon. Gentleman who has recently addressed the House was well intended as far as landlords are concerned. I cannot refrain from saying that I still feel the greatest doubt whether, in the course which he has taken, he has conferred upon them any favour. I would be bold enough now to repeat in effect what I said in 1870, which was that I then believed—the result having justified my expression of belief—that in a moderate but, at the same time, perfectly appreciable degree the effect of the legislation then proposed has been to raise the capital value of estates in Ireland, as far as the landlords are concerned. I may repeat that Her Majesty's Government entertain the same hope as

far as this Bill is concerned. I do not now propose to enter into the question of whether the action of the Court in fixing a judicial rent may not, upon the whole, lower the rents rather than raise them, in its first operation. It is perfectly possible that this might be so, and I have no doubt that such a result is largely anticipated on the other side of the House; but if, in its first effects, the action of the Court has that tendency, then all I can say is, that it is perfectly within the probabilities of the case that its ulterior tendency in giving confidence, in producing harmony between landlords and tenants, and in bringing about a larger development of the productive powers of the soil may be to repay the landlords for the incidental mischief of the Act twofold or threefold. Why, I would ask, is Ireland to be doomed for ever to that state of things in which there should be such an absence of confidence, and such apprehension of danger impending, as that no one will be willing to invest their capital in land in that country, upon terms more nearly approaching to the settled state of things which we enjoy in this country. Without presuming to attempt to determine the future relations of the judicial rents to the present rents, I will only say that I, for one, shall be bitterly disappointed with the operation of the Act if the property of the landlords in Ireland does not come to be worth more than 20 years' purchase on the judicial rent. In this hope I probably have with me the sympathies of Irishmen themselves. They have naturally a feeling for their country, and do not wish to lag behind in the race of civilization. I believe, therefore, that no legislation, however liberal to the tenant, can be really satisfactory unless, in all the relations of social life, it is favourable to the joint interests of all the classes concerned in the great matters which we are endeavouring to settle.

SIR HERBERT MAXWELL said, he merely wished to remark, in reference to one observation which had been made, that advowsons in Scotland never had a commercial value; and that it, therefore, could not be said that in the transfer of advowsons in that country property of commercial value was transferred from one person to another.

MR. T. P. O'CONNOR said, he had only one fault to find with the speech of

the Prime Minister, which was that it had no reference to the proposed clause. He could only suppose that the right hon. Gentleman had made his speech in anticipation of something that was likely to be said in "another place." As far as he could understand it, the hon. and gallant Baronet (Sir Walter B. Barttelot) had given no hint as to compensation, but had left it to the Committee to do no more than discuss the terms of the clause before it. It seemed clear that the Prime Minister looked forward to the perpetuation of landlordism in Ireland; but, as he (Mr. O'Connor) believed, the main advantage of the Bill would be that it would enable the Irish tenants to elbow landlordism out of the country. He did not admit that the Bill went as far as he could wish; but, as its tendency was in the direction he had indicated, it was, to some extent, satisfactory. The hon. and learned Member for Dundalk (Mr. Charles Russell) had pointed out that the effect of the clause might be to throw a large quantity of land on the hands of the Commission, who might, perhaps, be compelled to buy at too high a price, and, therefore, injustice might be worked upon the tenants. The first of these objections was met by the provision that the purchase should not take place until a fair rent had been fixed and the tenant secured in his holding. He admitted the force of the observation that the effect of the clause might be to put a large quantity of land into the possession of the Commissioners; but this arose from the fact that while the purchase of the land from the landlords was compulsory, the letting of it to the tenants was optional, as far as the tenants were concerned. That, however, would not prove an insuperable barrier to the working of the Bill, if the Government would provide that the holdings should only be purchased if the tenant was willing to buy them at the price fixed by the Commission, and to make such other provisions as would bring about a joint proprietorship between landlords and tenants in the soil.

MR. JUSTIN M'CARTHY said, he had always held that the landlord system should, as far as possible, give way to the tenants; but he admitted that the landlords were entitled to compensation. The Prime Minister spoke of this clause as simply a mat-



ter of compensation to the landlord for imaginary wrongs; but he could find nothing in it to compensate a dispossessed landlord. No matter whether the rent was fixed fairly or not, the Bill made a material change in the condition of the landlord with regard to the soil. It took away from him certain distinct and very substantial proprietary privileges, and reduced him to the level of one merely dealing with a tenant for rent. He approved of that; he was glad that the Court could step in between the landlord and the tenant; but still it did reduce the landlord to a level much below that which he had previously occupied. The landlord was therefore fairly entitled to say—"You have altered my position altogether. You have done this probably for the good of the country; I admit that, but you have changed my social status and taken away what I have always believed to be my rights, and you ought to allow me to go out of the land, and you ought to buy it from me." He did not want to do injustice to the landlord any more than to the tenant; but they had to consider, above all things, just now the condition of the Irish tenants, and the prospect of forming a peasant proprietary in that country. For that reason he was anxious that as many landlords as could be induced to leave their land should do so as soon as possible; and he would support any proposal for enabling the Government to get possession of the land and to form a peasant proprietary upon it. He should be false to the purpose he came to the House to serve if he did not support every proposal which endeavoured to bring a larger quantity of land under the control of the Government, in order that they might plant a peasant proprietary upon it; and, therefore, he should support the Amendment, although he did not often find himself in sympathy with the advocates of the landlords' claims.

COLONEL COLTHURST said, he could not think that the hon. Members for Longford (Mr. Justin M'Carthy) and Galway (Mr. T. P. O'Connor) expressed the real opinions of the Irish people upon this point; and certainly they were not acting in their interest. The Committee was now at the last stage of a Bill which admittedly would confer immense benefits on the occupiers of land in Ireland; and that Bill, whether

effective or not, was framed upon certain principles—the principle of voluntary sale of their property by landlords, and the principle of voluntary acquisition of the same by the Commission. His hon. and gallant Friend opposite (Sir Walter B. Barttelot) brought forward this clause at the last moment to establish a totally different principle; but he did not think it was just, because he could not admit that the landlord who had let his land at a fair rent was injured to the extent of 1*d.* by this Bill. Therefore, he should oppose the Amendment; but how stood it with Members representing popular constituencies in Ireland? The Prime Minister had said he could not accept this Amendment, which would vitally alter the whole structure of the Bill—no Government could; but the hon. and gallant Member proposed to put the House in the position of endangering and imperilling the Bill by an Amendment which, however good in itself, was incompatible with the Bill, and which the Prime Minister and the Government—without whom the Bill could not be carried—stated would be fatal to the Bill if accepted. For these reasons he had not the slightest hesitation in predicting that public opinion in Ireland would support those who supported the clause in opposition to the Amendment.

LORD GEORGE HAMILTON remarked, that the arguments which had been advanced exactly illustrated the principle upon which this Bill had been conducted. The Prime Minister said the clause provided compensation, but there was not a word about compensation; and then the Prime Minister, having mis-named the clause, said who ever voted for compensation voted against the Bill. If the clause meant compensation, and if the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote) supported it, and proposed merely to take 20 years' purchase, the Prime Minister contended that 33 years was the proper period. He said that was the average price payable for land in this country; but that was a very startling assertion. There was a great deal in the argument of the Prime Minister in which all must agree, because he did not think anyone could contend that the mere establishing of a Judicial Court to arbitrate between the landlord and tenant and fix a fair rent

*Mr. Justin M'Carthy*

constituted in itself any claim on the part of the landlord for compensation. But what was the object of establishing this Court? It was not to relieve the tenant from the excessive pressure produced by excessive demands for land. The object was, according to the words of the Act, to enable the tenant for the time being of every holding to sell his tenancy for the best price he could get. That was to say that whilst, on the one hand, the Bill deliberately took from the landlord the benefit of the market price, it did so in order to hand over to the tenant something that did not belong to him to enable him to get the full benefit of the market value of the commodity. And it was distinctly admitted that there would be cases where the tenant would sell something which he had neither acquired nor created nor bought. The Bill deprived the landlords of the market price which excessive competition had produced, because they were few, and gave it to the tenants because they were many, and that was the great fault of the Bill. The Prime Minister was very sanguine that the creation of this tenant right would produce tranquillity from one end of the country to the other, and had alluded to the condition of Ulster. He did not know that Donegal was in a more satisfactory state than the rest of Ireland, or that the Ulster right existed in a less degree there than in any other part; but the real reason why the North of Ireland was in a better condition than the rest of the country was that the manufactures absorbed the surplus population. If any hon. Member assumed that because the North of Ireland was more peaceable and quiet, and that the relations between landlords and tenants there were better than in other parts, that must not be attributed merely to tenant right, but to a number of circumstances which did not exist in any other parts of the country.

Mr. A. MOORE said, he regarded this as a most important Amendment, and one which could not be disposed of hurriedly. It was well worthy of the consideration of the Committee, for it contemplated a class of men with small means and heavily mortgaged, who could not afford the possible reduction which the Court might inflict. The hon. and learned Member for Dundalk (Mr.

C. Russell) said—"Oh, but his rent must have been too high if the Court reduces it to starvation point." Not at all; he might have let his land, as men sold coal and iron, at the best possible price; and the Court might compel him to reduce the rent. But he might be heavily mortgaged, and utterly unable to live if the rent was reduced; and the object of this Amendment was not, perhaps, to give the "upset" price in the market, but to give him something by which he could leave his land, with all the staff he had been accustomed to, and possibly find a happier home in some other country, where he could set himself up in some other walk in life with the remains of his property. The Amendment was a golden bridge for the retreating landlords, and was one which was quite necessary; for there would be many serious cases of people who could not afford to have their rents reduced. The hon. and learned Member for Dundalk had said high price meant high rent; but the tenant need not buy at all. He would have got his rent fixed, and it would be a case of *caveat emptor*.

Mr. DALY wished to bring the Committee back into the regions of common sense, and said, if the Court established a fair rent which was greatly less than the tenant had been paying, that was simply the redressing of a wrong; but he believed that in many cases the interposition of the Court would lead to the raising of the rent. It was assumed by some hon. Members that the principle of the Bill was confiscation of the landlords' property. He denied that, for he believed the principle was the restitution to the tenant of the right that was acknowledged in 1870. The hon. Member for the City of Galway (Mr. T. P. O'Connor) had expressed his anxiety to see the landlords elbowed out of Ireland. He had no great anxiety to see them elbowed out; but he had a strong objection to their being elbowed out with their hands in the pockets of the State. There were plenty of people outside the State who would be willing to invest their money at 5 per cent if security was given and peace was restored to Ireland. It was asserted by Irish Conservative Members that the landlords were being wronged; but he repudiated that, for what was being done was a return to the

position of right between man and man. He was willing to accord the landlords full and fair rents, but he was not willing to go beyond that; and he knew that if this Amendment was passed it would place the Government in a most embarrassing position, and would lead to their occupation of great tracts of land. He entirely agreed with the hon. and learned Member for Dundalk that a greater injury to the tenant could not be effected than by the State becoming owners of land. On all these grounds he opposed the Amendment.

MR. E. COLLINS observed, that if the clause did not mean competition he could not tell what it meant; and he would advise his hon. Friends on the other side below the Gangway to hesitate very much before they consented to this Amendment. He would like to ask the hon. and gallant Member who made this proposal whether he made it in the interest of the tenant or in the interest of the landlord? He knew that the hon. and gallant Member would be disposed to act in favour of the landlords; but he would advise the Committee not to accept the Amendment unless the hon. and gallant Member so modified it as to provide that if a landlord bought, he should do so on terms agreed to by the tenant.

MR. DAWSON said, that what animated the hon. Member for Galway (Mr. T. P. O'Connor) and an immense proportion of the Irish people was a desire to see the system of landlordism in Ireland abolished. He believed the landlords had been as much the victims of the legislation for Ireland as the tenants; and he would support the clause if it gave compensation. He did not believe it did; but he would pay the landlords well in order to restore the agricultural land to the working occupiers. If the price were an exaggerated price, it would be well repaid by the increased development of the land. If there was a compulsory purchase a handsome price must be paid, and conversely; but to make this clause practicable the tenant must be willing to buy and the landlord must be willing to sell. In that case he would compel the Court to buy the holding; and there was nothing in that to outrage the principles of commerce, there was nothing to warrant the Prime Minister in being

frightened at the amount of compensation; and if the Amendment was modified by the hon. and gallant Member, he thought it might be acceptable to the Committee. At all events, he believed it would meet with acceptance by the people of Ireland on account of its sound policy.

MR. BLAKE said, he was averse to asking the Government to charge themselves with a quantity of land; and he suggested the insertion in the clause, after "Commission shall," the words, "after being satisfied that the land can be sold without loss to the State."

MAJOR O'BEIRNE observed, that land in Ireland would become more valuable after this Bill was passed, and advised the Government to accept the Amendment.

SIR WALTER B. BARTELOT said, he had been pressed very much to insert in the clause a proviso that if the Commission purchased the property the tenant or someone else should purchase it from the Commission. To that he had no objection; but he must join issue with the Prime Minister on his remark that whoever voted for the clause voted against the principle of the Bill. There was nothing in the Bill which would be outraged or violated by his proposal. The Prime Minister himself had proposed that the market price should be absolutely abolished so far as the landlord was concerned, and that the Commission should regulate the price. Therefore, he maintained, the Prime Minister ought to vote for this Amendment. When the Slave Trade was abolished, the right hon. Gentleman thought it nothing that this country should give £20,000,000 for compensation, and this clause, although it did not amount to compensation, amounted to the right which the landlord ought to claim when deprived of the rights and amenities he had possessed. Something ought to be done to enable him to get rid of his property on fair and reasonable terms. He should be prepared to modify the clause as suggested, and he asked the Committee to support what he considered a fair, reasonable, and just proposal.

SIR JOSEPH M'KENNA said, he thought the clause an eminently fair one, for he thought a man whose property was seriously affected by the Bill

*Mr. Daly*

had a right to ask for an opportunity of getting rid of property which had been wholly changed in its nature. At the same time, accepting in good faith the statement of the Prime Minister that the proposal was in vital opposition to the principle of the Bill, and not desiring to throw any obstacle in the way of the Bill, he would not vote for the proposal.

MR. MACFARLANE said, he thought the remedy should be the same for the tenant as for the landlord; and if the Commission were to be forced to buy holdings where the rents were reduced, they ought to be required to buy a holding where the rents were raised.

Question put.

The Committee *divided*:—Ayes 88; Noes 151: Majority 63.—(Div. List, No. 328.)

SIR WILLIAM PALLISER moved to insert the following Clause after Clause 22:—

(Purchase by instalments.)

"Where the purchaser shall in any one year pay an instalment of six pounds per centum on the advance interest shall be charged for that year at the rate of three pounds per centum upon the advance or the unpaid balance thereof.

"Where the purchaser shall in any one year pay an instalment of over six pounds per centum on the advance, interest at the rate of three pounds per centum shall likewise be charged upon the unpaid balance or balances of the advance in the subsequent year or years in which the said excess payment shall make up the instalment or instalments paid in the said subsequent year or years to six pounds per centum on the advance.

"Excess fractional payments in separate years shall be added together, and when their sum shall be sufficient to increase the instalment in any one year to six pounds per centum on the advance, then interest for that year shall be charged at the rate of three pounds per centum upon the unpaid balance of the advance.

"All payments above five pounds per centum per annum on the advance, together with the allowances made to the purchaser by the State in respect of them, shall be placed to the credit of the purchaser, but shall nevertheless be available as a reserve fund until the advance is repaid; that is to say, where the purchaser shall in any subsequent year pay less than five pounds per centum on the advance, his default shall be made good from the reserve fund, and interest at the rate of ten shillings per centum upon the unpaid balance of the advance shall be deducted from the reserve fund for every pound or fraction of a pound taken from the reserve fund, and for which an allowance of ten shillings per centum upon the advance or the unpaid balance thereof had previously been made to the purchaser."

The hon. Gentleman said, that when

the State made an advance to a tenant to enable him to purchase his farm, it was of the greatest importance that as soon as possible after the completion of the purchase a margin or reserve fund should be created. The advantages of the early creation of such a reserve fund were so great that it would be well worth while for the State, from a commercial point of view, to pay a little more, or rather to make a small allowance for the purpose of obtaining it. The benefit of these proposals to the landlord and tenant were so obvious that he would not take up the time of the Committee in going into them, and he would confine his remarks to the benefits which the State would derive from them. If there were no reserve fund, and if a series of bad seasons were to follow each other, and if, in consequence, the purchaser had failed to pay his instalments, the State might be forced to put the land up for sale, in order to recover the money advanced upon it. But owing to the bad seasons the land would not command so good a price, and when the land was sold the State might incur a heavy loss. If, moreover, the landlord had taken a second charge on the farm in part payment for it, and if the farm were sold as soon as the State had got back the loan and the interest, the landlord would be left out in the cold. It would, therefore, be most unwise for a landlord, when selling, to leave a portion of the purchase money, as some had suggested, as a second charge on the farm, under the Government scale of repayment. On the other hand, if Government would concede the advantages proposed in this clause, he thought the landlord might fairly make an arrangement with the tenant to take a second charge on the land if the tenant would covenant to repay the loan by 6 per cent instalments. The allowance off the interest to be made by the State, under this clause, would amount, in the first year, to 10s. per cent; but this allowance would decrease each year. If there were a farm which sold for £133 6s. 8d. the amount advanced by the State would be £100. In the first year the allowance upon that would be 10s. per cent, or the 1-200th part of £100. In the next year, as £3 would be paid off, the allowance would be 1-200th part of £97; and in the third year it would be the 1-200th part of £93 14s. 6d.

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These payments would thus become smaller and smaller, and would amount to only £6 15s. 9d. over the whole period of repayment. That would be a very small sum for the State to pay in return for the advantages. The whole debt would be repaid to the State in 23 years, 6 months, and 14 days; instead of requiring 35 years for repayment; and, as the money would come back in two-thirds of the time, it followed that £2,000,000 lent on these terms would go as far as £3,000,000 lent on the Government scale, and the investment would be much safer. Under the 5 per cent, or Government scale, only £8 0s. 11d. would be paid during the first five years; but under the 6 per cent scale the amount paid in five years would be £15 18s. 6d., leaving only £84 1s. 6d. to be repaid. Further, out of the £15 18s. 6d., a sum of £7 17s. 7d. would be available as a reserve fund for the State to draw upon if the tenant made default. The man would have 8 per cent practically laid by, and if in bad seasons he were unable to pay his obligatory instalments in full, then the local bank would assist him; whereas, if he had been paying 5 per cent instalments, there would be no reserve fund, and, therefore, he would not be able to get assistance from the bank. In this case, the State would be obliged to sell him out. A remarkable Bill was introduced by the Chancellor of the Exchequer and the Secretary to the Treasury a few days ago to remit certain loans formerly made from the Consolidated Fund. It was entitled the Public Loans (Ireland) Remission Act; and the Schedule stated that repayments commenced in 1826, but that after the tithes disturbance in 1831 no further steps were taken for the recovery of the advances. Government should take every precaution to prevent a similar Bill becoming necessary a few years hence. His proposal was strictly consonant with the first principles of business, finance, trade, and political economy. In ordinary private business transactions they all knew that when goods were sold by a manufacturer they were generally paid for by a bill at three months, or 2½ per cent discount was allowed for ready money. A bill could generally be discounted at the rate of 4 per cent per annum, whereas the vendors were willing to make an allowance, for cash, at the

rate of 10 per cent per annum, and to incur a loss at the rate of 6 per cent per annum for the purpose of avoiding the risk of bad debts and getting their money back quickly. These principles applied with equal force to the State as to private individuals. As he had said before, where a man had paid for five years instalments at the rate of 6 per cent he would become the owner substantially, and by that time there would be established a class of men who would be conservative in the best sense of the term, for then they would see and know what was within their reach; they would know that no reasonable amount of bad harvest could interfere between them and the unencumbered freehold at which they aimed. And when there was a class of men with a stake like that in the country there would be less necessity to keep up a vast body of police and troops, and the saving upon that head would more than counterbalance the little cost to the State for these allowances. The proposal also was good morally, because it would encourage thrift and providence. There was no doubt that sometimes the Irish farmers had very good seasons. When trade was brisk and work was plentiful in England, and when in consequence there was a large demand for beefsteaks and mutton chops, then there were fine prices for beef, mutton and butter, and then Irish farmers made large profits. But when those times came the ladies—namely, their wives and daughters, would never leave them alone till they got their money out of them to spend in wearing silk dresses and driving jaunting cars, &c.; but since his proposal was to give the farmer a bonus of no less than 50 per cent for every pound he paid over and above what he was obliged to pay, he was certain that the Irish farmer was quite astute enough to see the advantage of making pre-payments during the good times; and he did not think the farmer's wife would, under such circumstances, interfere with her husband in such a matter, but would, on the contrary, encourage him to lay the money by. As he had said before, the cost was £6 15s. 9d. spread over 23 years; and he trusted that the Government, seeing the very great advantage of the proposal, would accept it. He recommended it on the grounds of political economy, morality, and prudence.

*Sir William Palfreer*

New Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. GLADSTONE: In the first place, from what the hon. Member has said, I have no doubt he understands this proposal himself. I give the fullest credit to the hon. Gentleman for understanding it. He has gone through a deal of trouble—he has taken immense pains, and shown how much the public will lose by it. They will lose £6 15s. for every £100, spread over three years.

SIR WILLIAM PALLISER: No; not unless the State has to pay £3 10s. per cent for the money.

MR. GLADSTONE: They will not?

SIR WILLIAM PALLISER: No; with all due respect to the right hon. Gentleman. If the condition of the market would admit of the Government borrowing at 3 per cent, they would not incur any loss. And, perhaps, if I were permitted to explain—

MR. GLADSTONE: I think I have gathered at least one definite and intelligible statement—the hon. Gentleman has not destroyed my impression in that respect—but I may venture to say that there is no part of his statement that I am able thoroughly to comprehend. I do not hesitate to say that nothing but the most minute actuarial calculation could possibly establish the proposition he lays down. With regard to certain statements of fact which I can detect in this Motion, it appears to be founded on two propositions—first, that the public can reckon on borrowing at an average rate of 3 per cent; and, secondly, that the administration of the money, the reserving of proper balances, the transmission of it to different quarters, and the collection in minute sums at a multitude of points from the people, is an operation which will cost just nothing at all. On these two propositions the proposal rests. They are both of them totally inadmissible. The established fact of borrowing by the public is that it cannot be done for less than £3 5s. per cent. And we know very well that some margin for the keeping and collection and borrowing the money for making the advances is absolutely necessary. I do not hesitate to say with regard to that 5s. per cent, left as a margin—I do

not hesitate to say that, as Chancellor of the Exchequer, I heartily wish, in a pecuniary point of view, that I were rid of the whole concern, and I should be glad to see the hon. Gentleman himself or anybody else take it off our hands. It is a very considerable financial difficulty which we are undertaking for great political and social objects; but a proposition of this kind, that we should borrow at a rate which we know does not exist, and that we should advance and recover the money which we borrow without charge, is altogether unsound. There is, undoubtedly, an element of good sense in giving encouragement to those who are desirous to pre-pay, and if you want to do it, it is really the simplest thing in the world—you have only to make them an allowance of so much per cent. I am quite willing to look into this; but I can assure the hon. Gentleman, seriously, that he might as well have introduced his proposal writ out in sanskrit letters, for we should know just as much about it.

SIR WILLIAM PALLISER: I may say that my proposal is founded upon an actuarial calculation that has been very carefully prepared. I will send the right hon. Gentleman a copy of it.

MR. GLADSTONE: I shall receive it with the greatest interest.

SIR WILLIAM PALLISER: Would the right hon. Gentleman accept the proposal if I were to insert at the commencement the following condition:—

"That when the condition of the money market will admit of it, without causing loss to the State,"

the allowance shall be granted; and if I were also to put at the end—

"When the condition of the money market will not admit of the full allowance of  $\frac{1}{2}$  per cent being made to the purchaser without causing loss to the State, the Court may make an allowance such as would not cause any loss to the State."

Clause *negatived*.

MR. MACFARLANE moved, in page 18, after Clause 25, to insert the following Clause:—

(Powers of Commission over reclaimed lands.)

"In the case of waste land capable of reclamation the Land Commission may call upon the owners to take steps, within such time as they may deem reasonable for the reclamation thereof; and in default, the Land Commission may receive offers from tenants or other persons for

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allotments of such land for the purpose of reclamation in blocks of such size as they may deem suitable, and the Land Commission may grant possession of such allotments at such rents for such number of years as they may consider equitable and just, the tenant contracting to reclaim fixed portions of the land within fixed periods, the Land Commission reserving the right to resume possession in case of any failure on the part of the tenant to fulfil the said contract.

"At the termination of the period allowed for reclamation, the tenant or the landlord may apply to the Court to have a fair rent fixed, having regard to the tenant's labour and capital expended thereon. And the Court may grant statutory leases in the same manner as is provided in this Act for present tenants."

The hon. Gentleman said that under this clause, if the landlord did not act, the Land Commission would act for him, treating the property as the Court of Chancery might treat it, in trust for the landlord. To pass clauses providing money to be spent in reclamation without giving compulsory powers to the Land Commission to avail themselves of the land would be like passing a Railway Bill without giving a compulsory right to purchase the land through which the line was to pass. The proposal could not injure the landlord if he were willing to allow the land to be reclaimed, because in that case it would not be operative, and if he were not willing it was for the good of the State that he should be compelled to permit reclamation. At the lowest estimate, there were 4,500,000 acres of waste lands in Ireland. Of that, 1,000,000 acres were capable of being reclaimed; and, considering the amount of food that could be produced on so large an area, and the amount of employment that could be applied to it, it would be a most beneficial thing to provide for its compulsory reclamation. In addition to the 1,000,000 acres that could thus be gained for agricultural purposes, there was, at least, another 1,000,000 capable of being used for the planting of timber. If such a clause as this had been in force in Ireland 50 years ago, the landlords of the present day would have been very thankful, and they would have had good reason to be grateful for the compulsion put upon their forefathers. He made the proposal because it was for the public good, for the man who kept 1, or 10, or 1,000,000 acres unused as waste land was a public enemy. It was quite evident that the landlords of Ireland would not deal with these matters on

their own account, and he had no belief in the scheme sketched out by the Government for reclamation by Joint Stock Companies which would never pay. But reclamation in small portions by tenants who would expend their own time and labour upon it when not otherwise engaged—time and labour which otherwise would have no money value—that was a kind of reclamation which would pay. He would like to know what portion of the land of Ireland cultivated at this moment had been reclaimed by the small tenants? He would venture to say that it was a very large proportion. But, in the case of reclamations in the past, the landlords had charged full rent for them. His proposal was that, after a proper time had been allowed for reclamation by the Commission, the landlord or the tenant might apply to the Court to have a fair rent fixed, taking into consideration the fact that all but the raw material belonged to the tenant. If hon. Members would only read the clause, he was sure there would be very little opposition to it.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. GLADSTONE: This is a question of great importance and of great complication; but the hon. Member will find that in all cases when you take compulsory powers, and endeavour to act upon people against their will, it requires the greatest care, involves a multitude of details, and compels the expenditure of a great deal of the time of Parliament. Under these circumstances, I ask whether, at half-past 12 o'clock, on the 32nd night of this Committee, we are to be asked to sit here through Saturday? Shall we have a Sitting on Sunday? Shall we go on on Monday oversetting the whole of the arrangements for next week? Is the Report also to be conducted on the same principle of ventilating every imaginable scheme that the ingenuity of hon. Members can devise? Or are we not to address ourselves to the humbler purpose of closing these discussions on this rather wide subject? That is the view to which we incline; but whether or no we cannot introduce such clauses as this at this time. At this period of the Ses-

*Mr. Macfurlane*

sion it would be wholly impossible to entertain them.

MR. MACFARLANE: Under these circumstances, I am ready to withdraw my clause, hoping to bring it forward at some other time.

Clause, by leave, *withdrawn*.

THE CHAIRMAN: The next Amendment, which stands in the name of Mr. Parnell ("Commission may purchase and sub-divide certain lands"), was substantially negatived in an Amendment moved by Dr. Lyons. I, therefore, rule it to be out of Order. The next Amendment stands in the name of Mr. Lever ("Facilities to Companies for purchase of waste lands, &c.") I should like him to explain wherein it differs from Clause 25, except in the substitution of the Land Commission for the Board of Works.

MR. LEVER said, that if the Attorney General for Ireland could assure him that the object he had in view was already secured by the 25th clause, he should not propose the clause which stood upon the Paper.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the purpose in view was entirely met by the 25th clause, providing advances of money for any agricultural improvement.

THE CHAIRMAN: The next Amendment on the Paper, which stands in the name of Mr. Dawson ("Poor Law relief"), cannot be put. Its object is to repeal section 10 & 11 *Vict. c. 31*, and that is already repealed by 25 *Vict. c. 72*.

MR. DAWSON said, a portion of the section in question still remained unrepealed, and that related to the giving of out-door relief to people in Ireland. If ever it pressed hardly upon the people of Ireland, it pressed hardly upon them now. It was very hard that a man who was struck down by misfortune should be prevented from getting out-door relief, and should be compelled to go into the poor house and break up his establishment. All he wanted was that any man who only possessed half an acre should be able to get out-door relief in Ireland in times of temporary distress, just as was done in England.

THE CHAIRMAN: The clause is certainly outside the scope of this Bill, which is a Bill to amend the Land Law

of Ireland, and not the Poor Law. The next clause on the Paper, which also stands in the hon. Gentleman's name ("Migration"), is out of Order, because it was negatived on the 11th of June. His 3rd clause ("County cess") is in Order.

MR. DAWSON then moved, in page 18, after Clause 26, the insertion of the following Clause:—

(County cess.)

"On and after the passing of this Act, the county cess shall be paid in equal parts by landlord and tenant, and any power to contract out of said provision is hereby repealed."

The hon. Gentleman said, he was glad that this, at least, was not out of Order, and he did not see how it well could be, as it was included in the Land Act of 1870, where the payment of the county cess was allowed to be divided between landlord and tenant; but, by the 12th section, in the case of tenancies of over £50 of annual value, the parties were allowed to contract themselves out of the provision. Mr. Vernon, one of the new Commissioners under the Bill, had stated in the most explicit manner his opinion that in all cases the tenant should be debarred from contracting himself out of the Act, so far as regarded the payment of county cess.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the Government could not accept the clause.

Clause, by leave, *withdrawn*.

COLONEL COLTHURST said, he would not propose the clause of which he had given Notice ("Definition of owners in the sense and for the purposes of 5 & 6 *Vic.*, c. 89, &c.")

LORD RANDOLPH CHURCHILL also declined to trouble the Committee with the clause of which he had given Notice ("Lettings by purchasing tenant.")

THE CHAIRMAN: The next two clauses, which stand in the name of Mr. O'Sullivan ("Repair of roads") and ("Deduction of rent for use of roads"), belong rather to a Highway Bill than to a Bill of this description. The next, which stands in the name of the same hon. Gentleman ("Sale of waste lands,"), cannot be put.

MR. A. MOORE said, he did not propose to move the clauses of which he had given Notice — ("Agricultural labourers") and ("Conditions for

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erection of labourers' cottages by tenants")—but with regard to the second, he hoped that when the Government clause dealing with the labourers came up upon Report the word "tillage" would be omitted from it.

THE CHAIRMAN: The next clause on the Paper, which stands in the name of Mr. Macnaghten ("Restriction on increase of rents after sale or alienation of estate") is unnecessary. The next clause, which stands in the name of the same hon. Gentleman—"Settlement of rents"—disregards altogether Clause 7 of the Bill, and proposes another scheme for the settlement of rents which is inconsistent with that clause. It therefore cannot be put.

MR. CHARLES RUSSELL said, he should not proceed with the next clause which stood upon the Paper, and which was in his name—"Middlemen interests"—nor would he proceed with the clause following—"Corporate estates"—although perfectly satisfied of the wisdom and practicability of both—except so far as regarded its last section, which he should move in the following form:—

"No company or corporation owning an agricultural estate in Ireland shall sell such estate, unless such sale be to the occupying tenants thereof, without first serving on the Land Commission notice of their intention to sell such estate; and thereupon the Land Commission may purchase such estate at such price as may be agreed on between the Land Commission and such company or corporation."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) appealed to the hon. and learned Gentleman not to press the Amendment, which it was obvious the Government could not accept.

MR. CHARLES RUSSELL begged leave to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. CHARLES RUSSELL said, the next Amendment he attached some importance to, and it was perfectly germane to the matter. He was content to leave it, without argument, in the hands of the Prime Minister.

New Clause—

(Land registry.)

"The Land Commission shall keep a set of registry books divided into counties and baronies, in which books shall be registered all conveyances, fee farm grants, mortgages, and other deeds affecting any holding in respect of which the Land Commission shall have advanced any money or which shall have been the subject

of sale or purchase by the Land Commission, and all deeds affecting any holding placed on such registry shall have priority according to the time of their entry on such registry, and from and after the date of any instrument dealing with any such holding having been placed on such registry, no document affecting such holding shall gain any priority under the existing law of notice, and any registration of any such document entered on the general registry of deeds, Henrietta Street, Dublin, shall have no force and effect, and any affidavit to be made under the provisions of the thirteenth and fourteenth Victoria, chapter twenty-nine, for the purpose of charging any land with any judgment debt under the said law shall be registered in the registry to be kept by Land Commission, and not in the existing registry of deeds in Ireland. The Land Commission shall make such rules and regulations as they may deem necessary for the due keeping and maintenance of such registry, and in doing so shall have special regard to the importance of simplifying future dealings with the holdings placed therein,"—*(Mr. Charles Russell,)*

—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. GLADSTONE said, he could assure his hon. and learned Friend that this matter had not been overlooked, and that it had been carefully considered before the introduction of the Bill. He was desirous to settle all these matters of registry with regard to the transfer of land; but when they came to be examined, he found it impossible to do so without reference to a scheme of registry for the whole of Ireland. There were many subjects connected with the tenure and transfer of land to which Parliament would be bound to turn attention; but a line had been now reached when such a large subject must be allowed to stand over.

MR. CHARLES RUSSELL begged leave to withdraw his Amendment.

Clause, by leave, *withdrawn*.

MR. CALLAN said, he had a clause to propose, which he would very shortly explain. The present valuation of Ireland, known as Griffith's valuation, was founded on the Ordnance valuation. Some 40 years ago there was an Ordnance Survey of the gross acreage of each town-land in each county in Ireland, and upon that came the Ordnance valuation, and the method of that was explained in the evidence given before the Bessborough Commission by Mr. Vernon, now one of the Land Commis-

sioners. After the Ordnance valuation came the tenement valuation. Taking as an illustration a town-land which he had in his mind's eye, consisting, according to the Ordnance Survey, of 204 acres, this was valued under the Ordnance valuation at somewhere about £200. Then came the tenement valuation, when the valuers divided all the Ordnance valuation into tenements, and the surveyors struck along the roads a dotted line, and they took the area of each tenement from the middle of the road along this dotted line, thus including on either side the whole of the public roads, so as to make the survey tally with the Ordnance Survey of 20 years before. Now if, as in justice they should, the surveyors had excluded the roads, the difference would have been in that town-land he had in his mind an area of four acres. But in the result tenant farmers were paying rent to the landlords, paying county cess to the county, paying rates to the poor rate, and Income Tax to the Imperial Government on these public roads. In the same way, in the case of a farmer who gave evidence before the Commission, he paid upon six acres more than the extent of the holding. He was asked before the Commission if it was a fact that tenants were made to pay upon the roads, and his reply was—"Yes; it was." Then the O'Connor Don, with the instinct of a landlord, asked was it not a fact that the road was of great use to the tenant, and the common-sense reply was that the road was of use to everybody who travelled on it. Then Baron Dowse put the shrewd question—would it not be of as much use even if not measured in with the tenant's land; and the reply was, of course it would. There was an intelligent farmer from the South Riding of Tipperary, and he, taking the computation of the county roads there from official documents as 6,500 acres, calculated that the tenant farmers paid on that area in rates and county cess about £4,000 a-year. Then county Limerick was spoken of, and it was shown that there were about 1,200 acres of public roads, and the average rent being 30s., the tenant farmers paid close on £2,000 a-year on this account, the fee simple of these roads having been bought from the landlords. On his own knowledge, he knew that when roads were made landlords received 30 years'

purchase on Griffith's valuation, and the tenants received two or three years' purchase for disservice in his holding, but he continued to pay rent. But not only did the landlord receive 30 years' purchase, but he continued to receive the same old rent from the tenant farmer. Mr. Anthony, of Dungarvan, put it very clearly when he pointed out the great hardship it was in the county of Waterford, where roads were measured in with the tenant's holding. There roads were called the Queen's highway; but if a new road were made to-morrow, it would be the landlord who would be recouped at the expense of the tenant. There was one town-land in which there was only one farm containing 259 acres 1 rood 35 perches, and the rent was £199. He went to the Poor Law Office, and he found that the Ordnance Survey gave exactly that area for the town-land. Then he went to the Surveyor's office, and he found that the roads through that farm amounted to 7 acres 1 perch, and the tenant paid to his generous English landlord the same rent for the roads as he did for the remainder of the farm. This was a great hardship, and for this his Amendment proposed a remedy, that if any part of a holding had been or should be taken under authority for the making of roads or railways, then the tenant should not be liable for rent for that portion of the holding thus allocated. It was fair that the Land Commission should have power to deal with such cases, for they were not met by the Act of 1870, nor by the Land Clauses Act. The tenants had been the victims of, he would not say the mistake, but a most unfair blunder perpetrated during the tenement survey, which was merely a division of the Ordnance Survey, and to make the two surveys tally the surveyor included the roads.

*Moved to insert the following Clause:—*

"If any part of the holding of any tenant shall have been or shall be taken or acquired under the exercise of any compulsory power conferred by the legislature, either for the construction of Railways, the making of public roads, or any other purpose, then, and in any such case, in the absence of agreement in writing to the contrary, the tenant shall not be liable to rent for that portion of the holding so taken or acquired, and the rent payable is to be apportioned between that portion and the residue of the holding, and such apportionment may be settled by agreement, and if such apportionment be not so settled by agreement,

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such apportionment shall be settled and determined by the Court; and after such apportionment the tenant, as to all future accruing rent shall be liable only to so much only as shall have been apportioned in respect of such residue of the holding; and all other conditions and agreements (except as to the amount of rent to be paid) shall remain in force, as regards the residue of the holding, as between the landlord and the tenant in the same manner as if the residue of such holding only had been originally included in the holding."—(Mr. Callan.)

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there was a good deal in the hon. Member's argument; but he could not see exactly that it came within the scope of the Bill. It belonged to that class of legislation which dealt with the taking of land for public purposes rather than to a Bill dealing with the relations of landlord and tenant. The Grand Jury Act provided that in all such cases there should be awarded a substantial sum to the owner if he did not like his farm cut up; and in the same way the occupier, if he made good his claim, generally got full value. Again, if he did not think the compensation sufficient, he could traverse that decision, and the case came again before a jury. It should also be remembered that if the tenant was injured in this way, he would have a right to have the matter considered in fixing his judicial rent. The Committee, however, in any case, might do well to leave it over for legislation next year, when it was hoped the question of County Government in Ireland might be dealt with.

MR. CALLAN said, the right hon. and learned Gentleman had misapprehended the drift of his observations. To take an instance from his own position. He paid Imperial taxation, he paid Income Tax on about 18 acres of public roads, and he could not see why he should pay Imperial taxation on land not in his own possession, over which he had no control, and from which he derived no benefit whatever. If his clause were agreed to the Land Commission would have power to exclude from his holding whatever amount of land was included in the public roads

adjoining. It was preposterous to say it was a question that should be reserved for County Government legislation. This was a question that did deal with the relations of landlord and occupier. There was a Queen's highway, and the tenant paid rent for it, and if the Court were satisfied that this was an injustice the Court would settle and apportion the rent as they might determine. He certainly felt bound to take a division, and it was only by such explanations as these that a knowledge of the peculiar working of the Land Laws in Ireland was arrived at. The question which he had raised affected, to a large extent, all those who lived along public roads in Ireland. There was an instance of an estate in Louth extending along a road which was 40 feet in width. The large occupiers lived off the public road, and their holdings were reached by private roads; but the small occupiers with farms of about 20 acres along this road of about three miles had each to pay for 20 feet of the roadway.

MR. REDMOND said, he did not think the clause would be altogether necessary if the Court, in fixing a fair rent, took this point into consideration. If a man were rented for land, a certain portion of which consisted of roadway, this must necessarily be taken into account.

MR. LEAMY said, the question he would like to put was this. The right hon. and learned Attorney General for Ireland said that when land was taken from a yearly tenant, say by a Railway Company, then the yearly tenant would receive compensation. So he did for severance; but his rent was not reduced even though he did receive compensation from the Railway Company. He still continued to pay rent to the landlord, though the latter had received the fee simple in full. But if a tenant became a statutory tenant under the Bill, having practically a lease for 15 years, would he be put on the same footing with leaseholders under the 27 & 28 *Vict.*?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the damages he would get from the arbitrator would be calculated on the annual loss he would sustain during his term.

MR. LEAMY said, he would refer to the subject again on Report.

Clause *negatived*.

MAJOR NOLAN proposed an Amendment with the object of making the Bill useful to the labourers by means, not of some fancy scheme, but by something which had stood the test of time. In France, and Russia, and India, and other countries, certain of the common lands were allotted to the poorer people; and his proposal was that Town Commissioners or Poor Law Guardians should be enabled to acquire land for the same purpose. Labourers in Ireland very much wanted allotments on which they could employ their spare labour; and there was no way in which land could be so easily obtained as by allowing it to be purchased by organized public bodies. They would not let the land, and would, therefore, have no temptation to charge high rents. But there must be some guiding power over them, and he proposed that such lands should be used only for the accommodation of labourers under such rules as the Land Commission might direct.

#### New Clause—

(Purchase of land for labourers.)

"The Land Commission, out of moneys in their hands, may, if satisfied with the security, advance sums to the Guardians of a Poor Law Union or to Town Commissioners, or to the Corporation of any town, for the purpose of purchasing land for the benefit of labourers, provided that it is inserted in the deed or instrument of purchase that such land shall be used solely for the accommodation and benefit of labourers under such rules and conditions as the Land Commissioners may from time to time lay down and direct,"—(*Major Nolan*.)

—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. W. E. FORSTER said, he did not for a moment deny the importance of this proposal; but the clause as brought in would be of very little effect, for while it gave the local authorities power to purchase, it gave them no power to compel persons to sell. The question of accommodation for labourers might hereafter be met by enabling local bodies to obtain land for them; but this was a very difficult and very wide question—too difficult and too wide to be added at the very end of the Bill. In settling the relations between landlord and tenant the Government had endeavoured to insure that the labourer's

position should be improved by what might be done by the landlord or tenant. This proposal went quite outside the question of landlord and tenant.

MR. REDMOND said, he hoped the hon. and gallant Member would go to a division, that there might be an expression of opinion from Irish Members in favour of the principle of the Amendment. The proposal would especially benefit labourers living in towns in Ireland, as they might be enabled to get small allotments in the neighbourhood. Some such clause was absolutely essential if the labourers were to be benefited by the Bill, for the proposal of the Government was altogether permissive, and would not be of very great practical assistance.

MR. DAWSON agreed with the Chief Secretary that it was probably too late to enter into this wide question now; but Town Commissioners had great powers under the Artizans' Dwellings Act of greatly increasing the accommodation of labourers, and he should be glad if the Government would facilitate such action. The Corporation of Dublin had largely availed themselves of these powers on their estates; but although local bodies had power to do a great many things, so long as it was permissive they were unperformed. For the benefit of the labourers these powers should be made compulsory.

Question put.

The Committee divided:—Ayes 39; Noes 151: Majority 112.—(Div. List, No. 329.)

MR. CHAPLIN desired, if in Order, to move an Amendment providing for a class which he thought had escaped the notice of the Government—namely, those whose estates were heavily mortgaged, and where the judicial rent was so fixed that there would not be enough left to pay the charges with.

THE CHAIRMAN: The Committee has already decided that the Bill will not compel the Commission to purchase land, and the proposal is only one instance where the same principle will apply. The Amendment, therefore, cannot be put.

House resumed.

Bill reported; as amended, to be considered upon Tuesday next, at Two of the clock, and to be printed. [Bill 225<sup>c</sup>

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METROPOLITAN BOARD OF WORKS  
(MONEY) BILL.—[BILL 204.]

(*Lord Frederick Cavendish, Mr. John Holms.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the  
Chair."—(*Lord Frederick Cavendish.*)

MR. MONK rose to move that the Bill be referred to a Select Committee. This measure was a gigantic scheme for taxing the ratepayers in the Metropolis. It proposed to give the Metropolitan Board of Works permission to raise a sum of £4,540,000. It was quite true that a portion of that sum was re-voted; but if Parliamentary sanction was required for that sum being raised, he thought there should be some Parliamentary supervision over the money. In almost every instance in which a certain sum had been granted to the Board by Parliament, that sum had been exceeded, and then the Board came to that House to ask for an additional sum in excess of the sums granted by Bills last year, and in previous Sessions. He did not wish to take up the time of the House; but he wanted to put it to the House that there ought to be Parliamentary supervision over the expenditure of the Board, and the only way to obtain that would be by referring this Bill to a Select Committee. He could hardly think the Secretary to the Treasury would oppose his Motion, except on the ground of the lateness of the hour, for it must be an advantage to the Treasury to have the aid of a small Select Committee to investigate the expenditure of this Board, and especially to consider the excesses which bristled in every clause of the Bill. By Clause 4, £40,000 was asked for, instead of £30,000 last year, for the Fire Brigade. Previous to last year the amount was £20,000, and he wished to know the reason for this increase? Then, an additional sum was asked for on account of that wretched Obelisk on the Embankment—for one of the most unsightly objects in the Metropolis. An additional amount was put down for the main drainage, £400,000 being asked for instead of £300,000. He proposed to refer the Bill to a Select Committee to take evidence as to the cause of these excesses. There was a great deal in the

Bill that could not be explained now; the borrowing powers asked for by the Board had gone on advancing by leaps and bounds; £27,000,000 had been raised or asked for, and he should like to know where this was all to end? No doubt the Board had done excellent work in improvements; but if they came to Parliament for Parliamentary sanction to raising these enormous sums of money—as much as the interest of the National Debt for a year—then they ought to accept Parliamentary supervision. He begged to move that the Bill be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee,"—(*Mr. Monk.*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JAMES M'GAREL HOGG said, he was surprised that, considering the period of the Session, the hon. Member for Gloucester had not deferred his objections to this Bill. He would go through those objections as briefly as he could. The hon. Member said the Money Bills of the Board had not Parliamentary sanction; but, as a matter of fact, Parliamentary sanction had been given to every item contained in this Bill. All these things—the Main Drainage Bill, the Bridges Bill, and others contained in this Bill—had passed through Parliament; and he thought, therefore, that the hon. Member could hardly maintain his recommendation to refer the Bill to a Select Committee. With regard to the Treasury, he thought the noble Lord the Secretary to the Treasury (*Lord Frederick Cavendish*) would state that the expenditure of the Board was under the control of the Treasury. The Treasury Auditor audited every one of the accounts, examining them whenever he chose. He could not conceive that it was a wise and proper policy that, after all these things had been passed by Parliament, they should be revised by Parliament, as was now proposed. With respect to the increased demand for the Fire Brigade, everyone knew that the houses in the Metropolis were increasing in every direction, and demands for increased protection from fire came from all sides. The Board felt it to be their

duty—and he believed the House would agree with them that they were bound to do everything in their power to afford protection against fire. He admitted that they had gone slightly beyond what Parliament sanctioned last year, and they were asking for an increase at the end of the year in order to extend the protection from fire. The hon. Member talked about that “wretched Obelisk.” Well, Parliament sanctioned its being erected, and it was considered better to make the Obelisk an ornament rather than the reverse, and there had been a slight increase in the cost. Those who understood the casting of metals and artistic work would be perfectly well aware that artists were not always within their estimates exactly, and sometimes more money had to be given. The Board thought they would be able to put up figures and other ornaments at a trifling cost; but they were now obliged to add a few thousand pounds; and he did not think it right to use the epithet the hon. Member had applied to the Obelisk. To come to a larger and much more serious matter, the hon. Member objected to the amount asked for for the main drainage of the Metropolitan. At this time of the year, when there was not a surplus of water, but, perhaps, slightly the reverse, hon. Members might not be so anxious as the Board were, who knew that the rain-fall sometimes came down in a heavy and constant downpour, and who had had representations from every district urging them to prevent houses being flooded. They were anxious to meet that difficulty; and instead of putting the whole of the surplus water into the ordinary sewers they were trying to put the rain-fall into a separate system of sewers to carry it into the Thames. For that purpose they were obliged to ask for a certain extra amount of money, and he was sure the House would agree with him that it was much better to spend an extra £50,000 or £100,000 than to allow hundreds and thousands of people to be flooded out of their houses and their premises destroyed. He had received thousands of letters showing the injury that had been done; and if the hon. Member only saw them he was sure he would sympathize with the people, and, instead of opposing the Bill, would help him and the Board in every way to prevent these dreadful

occurrences. He should be glad to answer any questions hon. Members might wish to ask.

Mr. DAWSON realized the importance of the matters contained in the Bill, and expressed a hope that the Corporation of Dublin might be able to induce the Chief Secretary to give them similar powers. He wished to ask the hon. and gallant Member (Sir James M'Garel-Hogg) who was made liable in the Metropolitan Board of Works for any mistake in the signing of cheques, and whether the Insurance Companies contributed anything in return for the benefits they received from the Fire Brigade?

SIR JAMES M'GAREL-HOGG replied that, with respect to cheques, he believed that the individual members of the Board were not liable; but he had power to disallow any charges he thought improper. All the members of the Board were liable somehow; and with regard to the Insurance Companies, they paid so much per £1,000,000 on the insurances effected on property in the Metropolitan.

LORD FREDERICK CAVENDISH said, he hoped his hon. Friend would not press his Amendment to a division, although he was very much inclined to agree with the object of it. It seemed very desirable that this Bill should be considered by a Select Committee; but if that were done this Session, it would prevent the Bill passing, and so cause serious inconvenience. The object of this Bill was to bring before Parliament annually the liabilities of the Metropolitan Board of Works. Up to the time of the important change made by the right hon. Gentleman the Member for Westminster, Bills were passed from time to time giving enormous powers to the Board for borrowing, and it was not an easy task for anyone to discover what their liabilities amounted to. Now, however, under the new system, there was an annual survey of all those liabilities; but he hoped the Bill would be introduced next year at such a period that it might be referred to a Select Committee.

Mr. FIRTH said, he hoped the hon. Member would withdraw his Amendment, on the distinct undertaking that the Bill should be referred to a Select Committee next year. There were many things in it to be objected to; but it

was important that the Bill should pass.

MR. MONK, on the assurance of the noble Lord (Lord Frederick Cavendish), had much pleasure in withdrawing his Amendment.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 7, inclusive, *agreed to*.

Clause 8 (Power to Board to expend money for purposes of the Metropolitan Bridges Act, 1881).

MR. FIRTH moved to reduce the amount of £760,000 for the erection of Bridges to £560,000, mainly Putney and Battersea Bridges. It was proposed to spend £406,000 on Putney Bridge, which could be built for £206,000.

Amendment proposed, in page 3, line 25, to leave out "seven," and insert "five."—(*Mr. Firth*.)

Question proposed, "That 'seven' stand part of the Clause."

SIR JAMES M'GAREL-HOGG explained that Sir Joseph Bazalgette had prepared two designs for Putney Bridge, one entirely in stone and the other in stone and iron. He hoped the hon. Member would agree with him that when they were going to erect bridges, it was wise that the Board should erect bridges that would last, and which would be bridges of good design and handsome structure, instead of tumble-down things. The Thames Conservancy required a certain amount of headway, and the bridges had to be raised higher than they otherwise would be. To do that the Board were obliged to take land on both sides in order to make proper gradients. They hoped, however, to subsequently sell some of that land and so recoup the ratepayers. For Putney Bridge £460,000 was set down as the cost; but the net was £406,000; and for Battersea Bridge the amount was £240,000 gross and £215,000 net. It was absolutely necessary to spend £62,000 in alterations of Vauxhall Bridge, and £12,000 on Deptford Bridge; and the total net amount was £695,000. Whenever the Board had power given them in this

way, they endeavoured to show the total sum required in each year, and the original grant was reduced each year by what was spent in each year. He hoped the hon. Member would not press his Amendment.

MR. ONSLOW observed, that the money of the ratepayers was being voted without anyone knowing how it was to be spent; and asked whether the sum of £82,760 to be raised for bridges up to December 31st, 1882, was the total amount intended to be spent; or whether more would be asked for after that date? It was the duty of the House not to pass a Bill of this kind off-hand, and he trusted this would be the last time a Bill of this nature would be brought forward without any real information.

SIR JAMES M'GAREL-HOGG said, the sum named was the gross estimate for the whole of the work; and the Board did not propose to ask for any further amount. The expenditure of this money would be shown year by year.

MR. W. H. JAMES asked whether the hon. and gallant Member would guarantee that the Bill should be brought in next year in time to be referred to a Select Committee?

SIR JAMES M'GAREL-HOGG replied, that this Bill had been before the Treasury for two months. He did not think it wise to send the Bill to a Select Committee; but he would take care that next year the Bill should be introduced in time to be referred to a Select Committee.

MR. FIRTH was willing to withdraw the Amendment, although the point he raised had not been touched by the hon. and gallant Member.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 9 (Power to Board to expend moneys during year ending 31st December 1882, for purposes of 18 & 19 Vict., c. 120, s. 144, and 25 & 26 Vict. c. 102, s. 72, of Street Improvements Act (35 & 36 Vict. c. clxiii.), of Parks and Open Spaces Acts, of Embankment Acts, Improvement of Sun Street, of the Obelisk on the Victoria Embankment, and of the Toll Bridges Act, 40 & 41 Vict. c. xcix).

MR. WILLIS proposed that sub-section (d) of the clause be omitted. This sub-section dealt with the Obelisk, and he observed that anything more worth-

*Mr. Firth*

less than bringing home that wretched stone from Egypt was never done. It was proposed to spend £12,000 for Sphinxes to be placed at the base of the Obelisk. For what earthly purpose? So far as he could understand, they would only make the Obelisk worse than it was at present. It was no embellishment to the Embankment, and it gave no information. It was part of a wretched system of bringing home pieces of stone and other things that were found abroad "to adorn our mud-built capitals." He considered this a waste of money, and he protested against the proposed additional expenditure for adding Sphinxes to the Obelisk.

Amendment proposed, in page 4, line 10, to omit sub-section D.—(*Mr. Willis.*)

SIR WILLIAM HARCOURT pointed out that the Obelisk was not bought by public money, but by private money. He disagreed with the hon. and learned Member as to the bringing home of old stones, and, reminding the Committee of the Elgin Marbles, said he thought it a great distinction to the Metropolis to have this Obelisk. The sum proposed was small, and did not all go for Sphinxes; and he thought that at that hour time would not be profitably spent in discussing it.

MR. FIRTH said, he hoped the Amendment would be withdrawn, and mentioned that the Board of Works had had nothing to do with bringing the Obelisk home.

MR. BROADHURST advised the hon. and learned Member not to divide the Committee. He approved of the Obelisk, but disapproved of its position, for it had disfigured a beautiful piece of masonry. The Obelisk was a good piece of work, and if it had been put up in a proper place, everybody would have been pleased. He would not discourage the Board of Works when they were spending money on artistic objects.

Amendment negatived.

Clause agreed to.

Clause 10 agreed to.

Clause 11 (Power to Board to expend money for purposes of street improvements under 40 & 41 Vict. c. cxxxv. and 42 & 43 Vict. c. cxviii.).

MR. MONK said, sub-section (a) of this clause gave power to the Board to

raise £1,500,000, "or such further sum as the Treasury may approve." He thought that the power to raise this £1,500,000 was quite sufficient borrowing power to give this year; and he should oppose any further power being given through the Treasury.

Amendment proposed,

In page 5, line 11, to leave out the words "or such further sum as the Treasury may approve."—(*Mr. Monk.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR JAMES M'GAREL-HOGG said, the Board put in the Estimates as accurately as they could; but in some cases it was necessary to go to the Treasury in order to go on with the work. He did not think they ought to be bound for a few thousand pounds.

MR. ONSLOW pointed out that power was proposed to enable the Treasury to advance up to £37,112, and said it was monstrous that power should be taken to raise £2,000,000, when the Board of Works only asked for £1,500,000. If the hour were not so late, he should be disposed to move to report Progress; but if the Committee were determined to carry the Bill through, that was a stronger reason for sifting these matters next Session by means of a Select Committee.

LORD FREDERICK CAVENDISH said, that the amount of £3,700,000 was the entire sum since 1877; the amount of £1,500,000 was in consequence of the work being carried on more rapidly than was expected. He did not think there would be much economy in delaying the work.

Question put.

The Committee divided:—Ayes 41; Noes 19: Majority 22.—(Div. List, No. 330.)

Clause agreed to.

Clause 12 (Power to Board to expend money for purposes of schemes under 38 & 39 Vict. c. 36).

MR. FIRTH said, that the observations he had made on the last clause might apply to this; but as no answer was forthcoming then, he supposed none would be made now.

Clause agreed to.

Clauses 13 to 15, inclusive, agreed to.



Clause 16 (Extension of amount of loans by Board to managers of Metropolitan asylum district).

MR. FIRTH said, the objection he had to this clause was founded on opinions expressed in a Petition from the Kensington Vestry and from other bodies. The power of the Board to raise hospitals throughout London had been questioned in the House of Lords; the policy was doubtful, and the necessity denied in all parts of London.

SIR JAMES M'GAREL-HOGG said, the Asylums Board had the power to raise the money, and it was simply a question whether it should come out of the current expenditure. He believed that if the interests of the ratepayers were consulted they would agree to the clause.

Clause agreed to.

Remaining clauses agreed to.

Schedules agreed to.

MR. FIRTH said, the clause which he had to propose was simply in pursuance of a suggestion made in the House by the present Home Secretary, and of a resolution passed by the Board of Works some time ago. In consequence of the answer given by the Home Secretary in the House a committee had been appointed, and was now sitting, in the City of London; but, of course, the Corporation could only deal with the matter within their own area. Outside the Corporation had no control. Therefore, he thought that the Metropolitan Board might be intrusted with the power to make a general inquiry with the view of establishing markets for food supplies for London. This was most important to those living outside the City; and though the Board might be wanting in the character of a representative body, there was no other existing body better qualified to carry out the inquiry.

New Clause—

(Expenses of inquiry as to markets.)

"The Board may, as part of their general expenses, pay all costs, charges, and expenses which may be incurred by them, up to the thirty-first day of December one thousand eight hundred and eighty-two, of and incidental to any inquiry to be instituted with respect to markets for the sale of food supplies within the metropolis, as defined by 'The Metropolis Management Act, 1856,' and preliminary to, in, and incidental to the preparing, applying for, and obtaining an

Act of Parliament with respect to such markets or any of such markets,"—(Mr. Firth.)

—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. R. N. FOWLER said, the Corporation had power outside the City, and had exercised that power for many years. They had appointed a Committee who were now considering this question, and he thought the House might give them time to report. It appeared to him that this clause would only enable the Board to enter into litigation, and it was a clause that should be discussed in a fuller House. He certainly could not allow it to pass without a protest.

Question put.

The Committee divided:—Ayes 53; Noes 6: Majority 47. — (Div. List, No. 331.)

Clause added to the Bill.

Preamble added.

Bill reported; as amended, to be considered upon Monday next.

REMOVAL TERMS (SCOTLAND) BILL.

(Mr. James Stewart, Dr. Cameron, Mr. Patrick, Mr. Mackintosh.)

[BILL 8.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. A. J. BALFOUR said, he offered a certain amount of opposition to this Bill on the previous night on the ground that it contained controversial matter that should not be discussed at a late hour; but he understood that almost all the controversial matter had now been omitted. He understood that the Government intended to exclude all but town districts; and, under the circumstances, he would offer no opposition, for he believed the Bill, if not an useful, would, at least, be a harmless measure.

Clauses 1 and 2 agreed to.

Clause 3 (Terms of entry to and removal from lands and heritages fixed).

Amendment proposed,

In page 2, line 5, to insert "which relates to Parliamentary and Royal boroughs."—(The Lord Advocate.)

Amendment agreed to.

Amendment proposed, in page 2, line 5, to leave out "Candlemas."—(*The Lord Advocate.*)

MR. J. STEWART said, there were quarterly terms in England, and he had thought it might be convenient to have quarterly terms in Scotland; but, however, as the right hon. and learned Lord Advocate had taken the question up, he did not propose to interfere.

THE LORD ADVOCATE (Mr. J. M'LAREN) said, that under the Bill, as introduced by the hon. Member, the security of the landlord in the tenant's interest would, by the institution of four terms, have been extended beyond the time for which the law gave the landlord a preferential right.

Amendment agreed to.

Amendment proposed, in page 2, line 6, to leave out "Lammas."—(*The Lord Advocate.*)

Amendment agreed to.

Amendment proposed,

In page 2, lines 9 and 10, to leave out from "to act," to "the twenty-eighth," in line 10.—(*The Lord Advocate.*)

Amendment agreed to.

Amendment proposed,

In page 2, lines 11 and 12, to leave out from "Whitsunday," to "and the," in line 12.—(*The Lord Advocate.*)

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5 (Period of notice of removal).

Amendment proposed, to leave out lines 24 and 25.—(*The Lord Advocate.*)

Amendment agreed to.

Clause, as amended, agreed to.

Preamble.

MR. J. STEWART said, in consequence of the Amendments, it would be necessary to amend the Preamble.

Amendment proposed, in line 11, leave out from "and," to "be," in line 16.—(*Mr. J. Stewart.*)

Amendment agreed to.

Preamble, as amended, agreed to.

Bill reported; as amended, to be considered upon Monday next.

#### PUBLIC WORKS LOANS [ADVANCES].

Considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorise further advances out of the Consolidated Fund of the United Kingdom, or out of moneys in the hands of the National Debt Commissioners held on account of Savings Banks, of any sum or sums of money not exceeding £1,400,000 in the whole, to enable the Land Commission in Ireland to make advances, or for the purchase of estates, in pursuance of the provisions of any Act of the present Session relating to the Land Law of Ireland.

Resolution to be reported upon Monday next.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Three o'clock till Monday next.

#### HOUSE OF LORDS,

Monday, 25th July, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Loans (Ireland) Remission\* (176); Seed Supply and other Acts (Ireland) Amendment\* (177); Universities of Oxford and Cambridge (Statutes)\* (178); Patriotic Fund\* (183).

*Second Reading*—Reformatory Institutions (Ireland) (172).

REFORMATORY INSTITUTIONS (IRELAND) BILL.—(No. 172.)

(*The Lord Emlý.*)

#### SECOND READING.

Order of the Day for the Second Reading, read.

LORD EMLÝ, in moving that the Bill be now read a second time, said, its object was to assimilate the law with regard to Reformatory Institutions in Ireland to the law which now exists in England and Scotland; that was to say, to allow certain local bodies to contribute to the construction of these schools and to their improvement. It was also for the purpose of enabling the Board of Works to lend money for their construction and enlargement. The Government supported the Bill. The Irish Office, the Board of Works, and the Treasury had carefully considered the

measure and fully approved of its provisions.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord Emly*.)

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

UNIVERSITIES OF OXFORD AND CAMBRIDGE  
(STATUTES) BILL [H.L.]

A Bill to make provision respecting certain statutes made by the Commissioners under the Universities of Oxford and Cambridge Act, 1877—Was presented by The LORD PRESIDENT; read 1<sup>a</sup>. (No. 178.)

PATRIOTIC FUND BILL [H.L.]

A Bill to amend the Patriotic Fund Act, 1867, and make further provision respecting certain funds administered by the same Commissioners as the Patriotic Fund—Was presented by The Earl of Northbrook; read 1<sup>a</sup>. (No. 183.)

House adjourned at half past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 25th July, 1881.

MINUTES.]—SELECT COMMITTEE—Report—Customs (Outdoor Officers at the Outports) [No. 343].

PUBLIC BILLS—Second Reading—Alsager Chapel (Marriages) \* [221]; Petroleum (Hawking) [222].

Considered as amended—Metropolitan Board of Works (Money) [204].

Considered as amended—Third Reading—Removal Terms (Scotland) \* [8], and passed.

PRIVATE BUSINESS.

CROKER ESTATE BILL—[Lords.]

SECOND READING.

Order for Second Reading read.

MR. ARTHUR ARNOLD said, the object of the Bill was to settle an estate of 4,000 acres for a term of 1,000 years, in order that an estate, already heavily encumbered, might be still further encumbered and withheld from sale. Against this he could only make a personal protest, because the House was too ill-informed as to the circumstances

*Lord Emly*

of the case to enable any successful action to be taken. The strict settlement of land which obtained in this country was the bane of agriculture, and was opposed to the productive interests of the country as well as to the health of the people. He hoped the time was not far distant when Bills coming to the House dealing with estates would only be accepted if they conferred greater freedom on land rather than relegating it, as this Bill did, to a still more unprosperous condition. He would have opposed the Bill if there had been any prospect of success in doing so.

Bill read a second time, and committed.

QUESTIONS.

ROYAL IRISH CONSTABULARY—  
ANDREW PRICE.

MR. BIGGAR asked, Why Andrew Price, a policeman, was removed from Clough, County Down, to Dublin for instruction; has he not been over twenty-nine years in the force, and is he not as well up in his duties as those who caused his removal; and, is it true there is no Catholic Inspector or Sub-Inspector in County Down, and only one Head Constable of that religion?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): This Question, Sir, relates to the ordinary administration and carrying out of the discipline of the Constabulary Force, which are scarcely matters which this House would desire to investigate. It will, therefore, be sufficient for me to say that this constable, though between 29 and 30 years in the force, was, during the last year, from time to time, on inspection of his station, found slack and deficient in knowledge of his police duties and drill, and consequently unable to instruct the men under him. For these reasons, the Inspector General thought his removal to the depot necessary, and he has been removed accordingly. With regard to the question of religion, I believe it is the case that all the officers stationed in the County Down are Protestants; but two of the Head Constables are Roman Catholics.

MR. BIGGAR asked, Whether in the County Antrim Constabulary no Catholic holds the office of County Inspector, Sub-Inspector, or Head Constable; whe-

ther none of the County Inspectors' clerks and only one of the six Sub-Inspector' clerks is a Catholic; and, whether the Government will consider how the number of Roman Catholic members of the force may be increased in that county?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): The Constabulary officers have been allocated to the county of Antrim without any reference to their religion, and no complaint has been made that would render necessary or expedient, so far as the Inspector General is aware, any alteration in the present arrangements. Of the six clerks employed by the Sub-Inspectors, three are Roman Catholics. In other respects, I believe the Question states the facts accurately.

#### STATE OF IRELAND—ALLEGED OUTRAGE IN CAVAN.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether a man forcibly entered the house of a man named Nixon in the townland of Drummuck, in the parish of Lenagh, county Cavan, on the night of 9th November 1880, and demanded arms, broke open presses, and threatened the inmates with a revolver; and, whether the outrage was reported at the police barracks of Stradone and Grousehall?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): No, Sir; it is not the case, so far as it is known to the authorities, that anything of the kind referred to in the Question of the hon. Member took place.

#### EVICCTIONS (IRELAND)—THE RENVYLE ESTATE.

MR. JUSTIN M'CARTHY (for Mr. T. P. O'CONNOR) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received information in reference to the estate of Mrs. Blake, at Renvyle, to the effect that her tenants, John Heany and Patrick Heany, are under sentence of eviction for one year's rent, these tenants being clothed in rags, having all the appearance of starvation, and dwelling in wretched cabins; whether it is a fact that the majority of the tenants on the estate have as their only food Indian meal, and, in some cases, a little milk; and, whether he still ad-

heres to the statement that the tenants have potatoes for sale?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): My right hon. Friend (Mr. W. E. Forster) has again caused special inquiry to be made into the condition of the tenantry on the Renvyle estate. This inquiry was made by an Inspector of the Local Government Board, who proceeded to the spot, and the result is this—With regard to the two Heanys, only one of them, John Heany, is recognized as a tenant; the other, Patrick Heany, is a sub-tenant, which is contrary to the rules of the estate. On the 1st of May last John Heany owed a year and a-half's rent, and I understand that proceedings are pending against him. With regard to the allegation that these men are clothed in rags, having all the appearance of starvation, and dwelling in wretched cabins, we are informed that John Heany's house is regarded as one of the best in the village of Coshleen. Attached to the house is a barn, in which Patrick Heany lives. They have each a horse, cow, calf, and poultry. Patrick Heany is described as a strong, handsome man. They were both found to be comfortably clothed and booted, and had not the slightest appearance of starvation. Within the last three weeks John Heany is stated to have received £15 net, and Patrick Heany £7, for kelp. With regard to the allegation that the majority of the tenants on the estate have as their only food Indian meal, and in some cases a little milk, we are informed that they have eggs, milk, poultry, fish occasionally, and in some cases new potatoes, and, in fact, that they are very much better circumstanced now than they were last year. Speaking generally, the Inspector reports that the Coshleen men are "splendid fellows," and physically compare favourably with the tenantry on any other estate in his district. With regard to the Question whether my right hon. Friend still adheres to the statement that they still have potatoes for sale, the hon. Member will find that what the Chief Secretary for Ireland stated was—

"Two-thirds of these people up to last month had potatoes for sale, while the other third had them at present."

That was on the 20th of June, and the Chief Secretary certainly does adhere to that statement. It has not been alleged

that they have potatoes to sell at the present moment; but from a Return which has been obtained of potatoes sold in the Renvyle market since December last, it appeared that 12 tons were disposed of there, and of that amount 10 tons were sold by tenants on the Renvyle estate.

**CUSTOMS BENEVOLENT FUND—THE  
"BILL OF ENTRY."**

**BARON HENRY DE WORMS** asked Whether, since the publication of the Bills of Entry has been taken out of the hands of the Directors of the Customs Benevolent Fund, the number of subscribers has increased or diminished, and what is the extent of such increase or diminution; and, to state what is the amount of revenue derived from the Bill of Entry Office since the profits were appropriated by the Treasury, and what was the amount received during the corresponding months of the previous year when the business was carried on by the Directors of the Customs Benevolent Fund for the benefit of widows and orphans of Customs officers?

**MR. J. HOLMS:** Since the 31st of December, 1879, the publication of the Bills of Entry has been retained in the hands of the Government, and the number of subscribers has diminished. In June, 1879, the number of subscribers was 5,422; in June, 1880, 5,463; in June, 1881, 4,881. And the amount of profit derived was, for the half-year ending June, 1879, £4,320; for the half-year ending June 1880, £4,084; and for the half-year ending June, 1881, £3,611. I should add that a decrease was fully expected owing to certain changes which, after very careful investigation, the Government thought it prudent to make in the character of the information given to the public in these publications.

**LAW AND JUSTICE—JUSTICES IN  
BOROUGHS.**

**MR. J. K. CROSS** asked the Secretary of State for the Home Department, If his attention has been directed to the case of *Reg. v. Millege*; and, whether it is the Law that no Justice, being a member of a Borough Corporation, can adjudicate upon cases where the fees and penalties are payable to the Corporation; and, if so, whether it is the intention of

*The Attorney General for Ireland*

the Government to propose any Amendment of the Law?

**SIR WILLIAM HARCOURT:** There is a good deal of confusion about the law on this subject, and the decisions are conflicting. It is desirable that a test case should be stated and taken to the Courts, and when the law is clearly decided, we will consider whether legislation is necessary.

**SPAIN AND ENGLAND—GIBRALTAR—  
THE NEUTRAL GROUND AND MARI-  
TIME JURISDICTION.**

**MR. O'SHEA** asked the Under Secretary of State for Foreign Affairs, Whether he has ascertained the names of the Commissioners, officers or others (if any), employed on both sides in ascertaining the limits of maritime supremacy and other matters in dispute between Great Britain and Spain at Gibraltar?

**SIR CHARLES W. DILKE:** No Commissioners or officers have been employed up to this time.

**METROPOLIS—PAROCHIAL CHARITIES  
OF THE CITY OF LONDON.**

**SIR HENRY PEEK** asked the Secretary of State for the Home Department, Whether, having regard to the great interest now attaching to the application of the funds of the Parochial Charities of the City of London, and to the fact that several of such Charities are managed by small self-elected bodies, he will arrange with the Charity Commissioners for the publication in a convenient form of the yearly accounts of such Charities (in continuation of the Accounts printed in Appendix IV. to the Report of the Royal City Parochial Charities Commission)?

**SIR WILLIAM HARCOURT:** I have made inquiries of the Charity Commissioners, and I find there will be no objection to the making of the Return.

**WATER SUPPLY (METROPOLIS)—  
SOUTHWARK AND VAUXHALL  
WATER COMPANY.**

**MR. THOROLD ROGERS** asked the President of the Local Government Board, Whether he is aware that the district supplied by the Southwark and Vauxhall Water Company has been and constantly is within an hour's risk of water famine; and, whether he can suggest the means by which the danger of so serious a calamity can be obviated?

MR. DODSON: I have caused inquiry to be made by Colonel Bolton, the Water Examiner, into this matter, who informs me that the supply of water being pumped into the district supplied by the Company is 25,000,000 of gallons daily, or equal to 35½ per head of the population. Colonel Bolton further reports that from an inspection of the works on the 22nd instant, he concurs in the opinion expressed by the Company's Chief Engineer, that he is under no apprehension that the district of the Company is within an hour's risk of water famine; nor has this been the case at any time during the past nine years.

#### NAVY—POWDER MAGAZINES IN THE MERSEY.

MR. SUMMERS asked the Secretary to the Admiralty, Whether he is now in a position to state what action it is proposed to take with regard to the gunpowder magazines in the Mersey?

MR. TREVELLYAN: The Admiralty have appointed a Committee of five gentlemen, including the Superintendent of the Royal Laboratory, the Inspector of Explosives under the Home Office, and two gentlemen well known in Liverpool, who have held the office of Mayor (Mr. Hall and Mr. Hubbach), with Admiral Phillimore as Chairman, to consider whether the position of the powder hulks in the Mersey is unsafe or unsuitable. The Admiralty, under the 14 & 15 *Vict.* are bound, on representation being made, to consider whether the position of the hulks is unsafe, and, if necessary, to appoint another position; but that is the entire responsibility which the Admiralty have in the matter.

#### THE MAGISTRACY (SCOTLAND)— SHERIFF CLERK OF FIFE.

MR. FRASER-MACINTOSH asked the Lord Advocate, Whether his attention has been called, by memorial or otherwise, to the circumstance of the sheriff clerk of Fife, a civil servant of the Crown, having, in violation of the spirit, if not the letter of his commission, of the Acts of Sederunt of 1783 and 1839, and of Acts of Parliament, assumed into partnership a person who conducts business in the Sheriff Courts of Fife, and otherwise within the county, and further does himself, notwithstanding his being a civil servant as aforesaid, carry on

business other than that of sheriff clerk; and, what steps he intends to take in the matter, or would suggest being taken by anyone aggrieved?

THE LORD ADVOCATE (Mr. J. M'LAREN), in reply, said, a Memorial had been presented to him on the subject of this Question. The Sheriff Clerks of Scotland were allowed by the terms of their Commission to make conveyances; but they were debarred by a rule of Court from practising as agents in the Court. He certainly thought that the action of Mr. Johnstone, in assuming a partner who practised in the Court, was against the spirit of the rule; but whether it be against the letter of the law or not was a question which could only be determined by the Court of Session, who made the rule. He had informed the Memorialists, if they desired to try the question, they might have the formal concurrence of his Office in doing so.

#### LAW AND JUSTICE—REVOLUTIONARY CONGRESSES.

MR. BELLINGHAM asked the Secretary of State for the Home Department, Whether a meeting of the Revolutionary Congress was forbidden by the Swiss Government to be held within the confines of Swiss territory; whether the Government intend to tolerate meetings that a friendly Republic deems too objectionable to be permitted to take place within its jurisdiction; and, whether the Government, as the defenders of law and order, are prepared to prohibit such exhibitions for the future, or will extend their protection to those who attack all authority?

SIR WILLIAM HARCOURT: I have nothing substantially to add to the answer I gave the other day, which the hon. Member was pleased to designate as evasive. I intended it to be as frank and explicit as possible. I must say, looking at the terms in which the Question is couched, that it is not necessary for the hon. Member to stimulate me by the example of the Government of Switzerland, or of any other foreign Power of whose action and principles of action I have no intimate knowledge. We have our own well-established and well-understood traditions in these matters, which afford a safer and a surer guide to an English Minister. The distinction in these cases is obvious and in-

telligible. When any persons, by speech or writing, incite to crime, whether at home or abroad, then it is the duty of the Government to invoke the law for the punishment of the offenders. And, as has been recently shown in the prosecution of *The Freiheit*, where there is evidence to such an effect the law will be put in motion and is adequate for the purpose. Further than that we cannot wisely or safely go. When opinions, however extravagant or wicked, are not associated with crime, the Government has no authority, and cannot undertake to deal with the matter. If any evidence should be forthcoming to show that persons in this country are engaged in the incitement to or the perpetration of crime, the Government will always be ready to vindicate the law against them. As to the last part of the Question of the hon. Member, though this matter is not so well understood abroad, I should have thought the hon. Member would have known when he asks me—

“Whether the Government, as the defenders of law and order, are prepared to prohibit such exhibitions for the future, or will extend their protection to those who attack all authority?”

that by the Constitution of this country it is not the Government, but the law, which extends its protection to all persons within the Dominions of the Queen who do not transgress its commands. The English Government can do nothing against the law or beyond the law. We are only the Executive officers of the law, such as Parliament chooses to appoint.

MR. BELLINGHAM asked whether persons in Ireland had not been imprisoned for using language far less violent than that which had been made use of at this meeting?

SIR WILLIAM HARCOURT: No, Sir; according to my belief and knowledge, no man is imprisoned in Ireland except in accordance with the law.

#### ROYAL IRISH CONSTABULARY— RELIGIOUS PERSUASIONS.

LORD ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the arrangement of 1868, which provides that “where the Constabulary officer is of one religious persuasion the Head Constable shall be of another.” Whether, as he has stated that he dislikes the arrangement and the Government is not bound

by it, he will take steps to have it cancelled?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): It is a mistake to suppose that there is any general rule or arrangement providing that where the Constabulary officer is of one religious persuasion the Head Constable shall be another. The word “arrangement” was used by my right hon. Friend the Chief Secretary in the case of the police force at Banbridge, about which the noble Lord asked a Question a short time ago; but it merely meant the state of things which actually existed at a certain time.

#### EDUCATION DEPARTMENT—VOLUN- TARY SCHOOLS.

LORD GEORGE HAMILTON asked the Vice President of the Council, If he is correctly reported in the “Times” of July 12th to have stated to a deputation that, if “any voluntary school refused to receive ragged children, he would at once cut off the grant;” and, if so, whether he has considered how far such a penalty inflicted upon voluntary schools would be consistent with section 97 of the Education Act of 1870, which provides that the conditions under which grants are made to voluntary and School Board schools shall be identical?

MR. MUNDELLA: The noble Lord asks me whether I am correctly reported in *The Times* of July 12, where I appear to have stated to a deputation that if any voluntary school refused to receive ragged children I would at once cut off the grant. My answer to this part of the Question is that I made that statement advisedly, and that I adhere to it, and that I should apply it equally to board and voluntary schools. The circumstances under which the statement was made were these:—A large deputation in opposition to the payment of school fees by Boards of Guardians under Section 10 of the Act of 1876 was introduced to me by the hon. Member for Manchester (Mr. Birley), who sits opposite. Several members of the deputation, especially those from the borough of Warrington, urged that school attendance committees should be endowed with the powers of school boards in the matter of providing schools for ragged children, inasmuch as although there was ample school accommodation for all the children of the district, the voluntary schools re-

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refused to admit those whose clothes were ragged, and whose appearance indicated neglect. Now, I have no desire to force upon a school children who are in a diseased or filthy condition. They may be reasonably excluded, and the parents made responsible for sending them in proper condition; but I must either require voluntary schools to receive poor children who may be insufficiently clad, or I must order a school board to make suitable provision for them in accordance with the terms of the Act. To allow the ragged and neglected to be excluded from school would be to perpetuate raggedness and neglect. We have abundant evidence that the civilizing influences of the school affect not only the habits of the children, but the parents and the homes from which they come.

PARLIAMENT—ELECTION PETITIONS  
—SCHEDULED PERSONS.

MR. WARTON asked Mr. Attorney General, Whether it is his intention to direct the prosecution of any of the persons scheduled by the Judges on the trial of election petitions?

THE ATTORNEY GENERAL (Sir HENRY JAMES) inquired whether the hon. and learned Gentleman referred to Election Petitions presented after the last General Election?

MR. WARTON said, he did.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the question was one of time, as prosecutions such as those referred to should take place within 12 months. Only two Election Petitions had been the subject of inquiry within 12 months, one of which had reference to Wigan.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—TREATMENT OF PRISONERS UNDER THE ACT.

MR. CHARLES RUSSELL asked the Chief Secretary to the Lord Lieutenant of Ireland, referring to the persons in prison as suspected persons in Ireland, Whether it is the fact that persons requiring surgical or medical advice are obliged to submit to any personal examination which is deemed necessary (and however delicate the nature of the examination) in the presence of a prison warder; whether this course of proceeding which might subject such persons to

unnecessary humiliation might not be altered; and, whether there is any objection to the production of the Correspondence which has lately passed between Dr. Smyth, of Naas, and the prison authority there on this subject?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): A prison officer is always present when a medical officer is visiting or prescribing for patients. The only persons who sees prisoners alone are the chaplains. We think, however, that if a prisoner under the Protection of Person and Property (Ireland) Act particularly wishes to see the doctor alone, it might be arranged on an honourable undertaking being given by the doctor that no conversation takes place except directly in reference to the prisoner's health, and that no communications whatever are conveyed to or from the prisoner. My right hon. Friend authorizes me to say that he will see whether such an arrangement cannot be carried out.

NAVY—RETIRED CHIEF GUNNERS, &c.

SIR H. DRUMMOND WOLFF asked the Secretary to the Admiralty, If he can state why the names of the retired Chief Gunners, Boatswains, and Carpenters do not appear in the Navy List, in the same manner as those of other retired Officers, notwithstanding that they hold Commissions; and, whether such Officers will be allowed special pensions in cases similar to those of other Officers also retired?

MR. TREVELYAN: The Admiralty will consider whether the names of retired chief gunners, boatswains, and carpenters are to appear on the Navy List. I own myself unable to give the hon. Member any reason why they do not, except the list as at present professes to be a list of retired and not pensioned officers. The term "special pension" I do not quite understand. These officers have a higher rate of pension than ordinary warrant officers; but they have no Greenwich Hospital pension assigned to their class, but are considered with the whole body of warrant officers for the same set of pensions.

PUBLIC HEALTH—THE WOOL SORTERS' DISEASE.

MR. WILBRAHAM EGERTON asked the Vice President of the Council,



Whether his attention has been called to Mr. John Spears' Report to the Local Government Board on "the woolsorters' disease," and to the danger of "anthrax" being likewise communicated to sheep and cattle from the use of foreign hair and wool as manure; and, whether the Privy Council will issue an Order against the sale of such foreign hair and wool for that purpose without having been previously disinfected?

MR. MUNDELLA: The Report of Mr. Spears was only brought under my notice a few days ago. It has now been referred to the Veterinary Department for their consideration and report. It is only right, however, to state that "anthrax" is comparatively a rare disease in animals in England, and does not appear to have increased during the past 40 years.

#### BRAZIL — CLAIMS OF BRITISH SUBJECTS.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If he has yet anything to communicate to the House as to the settlement of the English claims against Brazil; and, whether it is true that Her Majesty's Government has abandoned those claims founded on damage done in the Revolution of Para; and, if so, whether that is the usual course to take when British subjects suffer loss in Countries that have passed through a Revolution?

SIR CHARLES W. DILKE: Her Majesty's Chargé d'Affaires at Rio was again instructed in May to use his best endeavours to bring the question of the Anglo-Brazilian claims to a successful issue. We have not heard very recently, in consequence of the change of Ministers; but Mr. Corbett is about to proceed to Brazil, and will give the matter his best attention. With regard to the losses incurred by the acts of the insurgents at Para in 1835, I may state that Her Majesty's late Government informed the claimants that as the losses for which compensation was claimed were caused by rebels, over whose acts the Brazilian Government had no control, they were advised that British subjects were only entitled to whatever compensation or redress is accorded to Brazilian subjects.

MR. ANDERSON: May I ask is that the usual course?

*Mr. Wilbraham Egerton*

SIR CHARLES W. DILKE: Yes, it is the usual course. That action was taken by the late Government on the advice of their Law Officers.

#### EVICCTIONS (IRELAND)—CASE OF ELLEN OLWILL.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that Ellen Olwill, over eighty years of age, lately evicted by Mr. Galligham, of Dublin, was on the 20th instant sent to Cavan Gaol for a week by the Cavan Magistrates for sleeping in a hut erected by her son on a disused roadside, her inability to pay the alternative fine being due to said Mr. Galligham having a stay put on the payment of the compensation awarded by the County Court Judge whereby she became dependent on public charity; and, whether he will order her immediate release?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) (for Mr. W. E. FORSTER) said: It appears, Sir, that this woman, who is about 80 years of age, was sent to Cavan Gaol on the 20th instant for a week, for building and persistently occupying a hut on the side of the public road. The road in question is not a disused road, and the prosecution was at the suit of the County Surveyor. I am informed that it is not the fact that the landlord put a stay upon the payment of the compensation awarded to this woman by the County Court Judge, the fact being that the amount awarded—over £60—lies with the Clerk of the Peace, to whom she has not applied for payment, though well aware that he holds the money for her.

#### CUSTOMS—THE TOBACCO DUTIES.

SIR H. DRUMMOND WOLFF asked Mr. Chancellor of the Exchequer, Whether, inasmuch as the duties on tobacco, amounting in some cases to twelve and fourteen times the value of the article, and forming the principal item in the duties on imports, press chiefly on the working classes, Her Majesty's Government will consider the expediency of diminishing such duties, and compensating the revenue by transferring the difference to French wines, Articles de Paris, silks, gloves, and other similar imports consumed by classes better able to pay for luxuries?

MR. GLADSTONE: With regard to this Question, there is no doubt that the duties on tobacco are extremely high, and they have long been felt to be very high by the labouring population of this country especially. They were somewhat raised during the time of the late Government. The hon. Member asks whether I would

"consider the expediency of diminishing such duties, and compensating the revenue by transferring the difference to French wines, Articles de Paris, silks, gloves, and other similar imports consumed by classes better able to pay for luxuries?"

I am afraid that it would be entirely impossible to raise on articles of that description any such amount of duty as would fill up the void that would be caused in the Revenue by such a reduction of the tobacco duties as must be made, if any reduction is to be made at all, with a hope of acting sensibly on the consumption. There is no argument in the abstract stronger than that for taxing articles of luxury; but there is no argument more apt to break down when it comes to be applied. I fear the attempt to lay increased duties on articles of luxury imported from France, whatever abstract reasons may be given for it, would lead to a revival of that dreadful system of smuggling which was almost universal in my youthful days, but is now happily extinguished.

#### WAYS AND MEANS—INLAND REVENUE —BENEFIT BUILDING SOCIETIES— STAMPS ON CHEQUES.

MR. C. M'LAREN asked Mr. Chancellor of the Exchequer, Whether his attention has been called to a circular issued to bankers in the year 1871 by the Commissioners of Inland Revenue, reminding them that cheques drawn on behalf of Benefit Building Societies on their bankers were liable to stamp duty like other cheques; to the words of section 41 of "The Building Societies Act, 1874," by which it is enacted that no

"order on any officer for payment of money to any member . . . shall be liable to or charged with any stamp duty or duties whatsoever;"

to the fact that the Commissioners still insist upon the view expressed in their circular of 1871, and refuse to regard the Act of 1874 as an enlargement, including cheques, of the exemptions previously in force; whether he is aware

that since 1874 it has been, and still is, the invariable practice of many Building Societies, relying upon the words of section 41, to issue unstamped cheques or orders on their bankers in favour of their members; that in other cases bankers refuse to pay money upon unstamped orders; and that, owing to there being no authority upon the construction of section 41, except the opinion of the Commissioners of Inland Revenue, great uncertainty exists as to the Law; and, whether, considering the importance of the interests thus subjected to inconvenience, he will direct the Commissioners of Inland Revenue to admit these cheques or orders as within the exemption from stamp duty, or else will introduce a Bill to amend the Act of 1874 in this sense?

MR. GLADSTONE, in reply, said, this was a Question with regard to the state of the facts of the present law. He was given to understand that a Circular was issued in 1871, which was a correct statement of the law at that time, and continued to be a correct statement of the law. The Act of 1874 relating to Building Societies did not confer any exemption from stamp duty on cheques; and, consequently, there was no necessity to modify this Circular. The Board of Inland Revenue were not aware it was the practice of bankers to pay drafts of that description without stamps. There had been no necessity to take steps to enforce the law, because no case had been brought before them.

#### SEIZURE OF EXPLOSIVE MACHINES AT LIVERPOOL.

VISCOUNT SANDON: I beg to ask the Secretary of State for the Home Department a Question, of which I have given him private Notice, with regard to the accuracy of the reports which appear in to-day's newspapers as to the discovery at Liverpool of a considerable number of infernal machines. I have to ask whether it is true that 10 or 12 machines, loaded with dynamite, have been seized on board two passenger vessels quite lately; that these terrible machines were supposed to have been put on board in America; and also I should be glad if the right hon. Gentleman would say whether the reports in the newspapers are supposed to be true which connect these machines with the Fenian conspiracy?

SIR WILLIAM HARCOURT: Sir, the accounts which have appeared in the morning newspapers relating to the explosive machines seized at Liverpool are substantially correct. The Government have not hitherto been desirous of giving publicity to the matter—first, because the knowledge of the facts might have proved an obstacle to the detection of the offenders; and, secondly, from a natural desire not to create alarm. But secrecy in these days has ceased to exist; and now that the circumstance is generally known, it is right that the facts should be authoritatively stated. More than three weeks ago the Government received information of the consignment to Liverpool, and as being then on their way from America, of a number of infernal machines concealed in barrels of cement. I accordingly communicated at once with the Commissioners of Customs, and a confidential agent of the Customs and a Metropolitan police officer were despatched instantly from London to Liverpool to await the arrival of the vessels which had been designated in the information I had received. These officers reached Liverpool only a few hours before the arrival of the first of the vessels. The cargoes were accordingly searched, in concert with the police and the Customs authorities at Liverpool; and in the first vessel six of these machines were discovered in a barrel said to contain cement. Four more were found at a later period in the second vessel, concealed in the same manner. The machines each consist of a metal box divided into two compartments, the upper portion containing a six hours' clockwork movement, so arranged as to ignite a detonator to be hereafter inserted, which was to communicate with the lower compartment, containing 11 cartridges, each charged with three ounces of a nitro-lignine compound, which resembled, and was first mistaken for, but which has proved not to be, dynamite. It is, however, of a highly dangerous character—of the character of gun cotton. I have had the material carefully examined and experimented upon at Woolwich. The 10 boxes which were found contained a charge of over 2 lb. of this explosive material in each box, and one of the barrels of cement contained in all nearly a stone weight of this nitro-lignine compound. It is impossible to estimate the

fatal effects of even an accidental concussion of such a mass of explosive material. I need not say that Her Majesty's Government have employed, and are employing, every resource at their disposal to detect the consignees in England and the consignors in America of these machines. The actual history of the despatch of these machines is under investigation in America, and still remains to be ascertained. The noble Lord would not expect me now to go into any details. But in answer to his Question on the matter, I have to say that upon the face of them, and according to the original information I received, they appear to be the precise and literal fulfilment of projects openly avowed and declared in the Irish Fenian Press of America. Week by week for the last nine months open threats and public instigations to general outrage and personal assassination have been circulated in those newspapers. Subscriptions for this purpose, and for the making of such machines as these, have been openly collected in the United States, and actually expended for that purpose. More than one attempt of the kind has been made in England by miscreants hired and despatched from America for this purpose; and their work has been publicly claimed by their instigators as the reward of the past, and as a motive for fresh subscriptions. I thought it my duty at an early period of this Session, in the debates on the Irish Arms Bill, to call the attention of this House to these publications—their avowed object, and their necessary results. Some foolish and inconsiderate people—to use a mild term—made light of these atrocious teachings, and disparaged all attempts to restrain or punish these incitements to crime; but Her Majesty's Government have not regarded them as things to be laughed at or neglected. They knew well the gravity of the case, and have not been the dupes of the mischievous fallacies of their apologists. In my opinion, the principal origin of these attempts is to be found in the assassination Press. This poisonous seed, sown broadcast, finds a congenial soil in evil minds, and bears a fatal fruit. We have shown in the prosecution of *The Freeman* that the law of England is capable and ready to deal with such criminals, not less in the interests of our own people than in those of foreign States. In my

opinion, it is the duty of every civilized Government to co-operate in putting down with a strong hand these nefarious enterprizes. I have seen with regret the attempt on the part of persons in this country, who ought to know better, to weaken the hands of the Government in the representations they have thought it their duty to make to the Government of the United States on these matters. It is my firm belief that the Government of the United States is as ready as our own to repress and to punish the authors of such crimes. It is their interest, no less than ours, for the danger is as great to every American citizen as to every British subject who crosses the Atlantic. But, in any event, I can assure the House that Her Majesty's Government are, and have long been, fully alive to their responsibility in this matter—a responsibility which the House will believe is sometimes heavy enough to bear—and the Government confidently count on the support of Parliament and the country, while they employ every power of the Executive and every engine of the law to detect and to destroy these associations of assassins.

VISCOUNT SANDON: After the very grave statement of the right hon. Gentleman, perhaps he would forgive me for asking if Her Majesty's Government have made a distinct representation to the American Government on the subject, and in what way such a representation, if made, has been met?

SIR WILLIAM HARCOURT: As I have already stated to the House, representations with reference to publications in America have been already made; but the official answer has not yet been received. With reference to this matter of the dynamite machines, a representation cannot be made until we receive the information we have sought for from the sources of information that we have set to work in America.

MR. BELLINGHAM: May I ask if the Government believed these documents were so dreadful, and were circulated in Ireland, why they have been so remiss all this year in not stopping the circulation of *The Irish World*?

SIR WILLIAM HARCOURT: I have already stated to the hon. Member the principle on which the Government have acted, and the distinction of the two cases. He refers to *The Irish World*,

and I have not referred to *The Irish World*.

#### NICARAGUA—AWARD OF THE EMPEROR OF AUSTRIA.

MR. P. J. SMYTH asked the Under Secretary of State for Foreign Affairs, If he is able to impart any information to the House with reference to matters in dispute between this Country and the Republic of Nicaragua, referred for arbitration to the Emperor of Austria?

SIR CHARLES W. DILKE: The award of the Emperor of Austria has been very recently received, and will shortly be laid before Parliament.

#### METROPOLITAN BOARD OF WORKS (MONEY) BILL.

MR. MONK said, he had a Question to put to the Speaker on a point of Order. When the Metropolitan Board of Works (Money) Bill went into Committee on Friday evening he moved that it be remitted to a Select Committee; but this Motion was negatived. He found, however, that the Standing Orders provided that any Metropolitan Board of Works Bill containing power to raise money should be introduced as a Public Bill; but on being read a second time should be referred to a Select Committee. In these circumstances, he wished to ask if the Bill he alluded to should not be referred to a Select Committee?

MR. SPEAKER said, he had some difficulty in giving a positive answer to this Question. If the Bill had been distinctly promoted by the Metropolitan Board of Works he should have no hesitation in saying that it would be necessary that the Bill should be referred to a Select Committee; but when he remembered that the Bill had been introduced by the noble Lord the Financial Secretary to the Treasury, he felt some hesitation in answering the Question. He must, therefore, leave the matter to the judgment of the House. If the hon. Member thought proper, he would have an opportunity of moving that the Bill be referred to a Select Committee when it was reported.

MR. MONK gave Notice that when the Bill was reported he should move that it be referred to a Select Committee.

## THE PARLIAMENTARY OATHS BILL.

COLONEL MAKINS gave Notice of his intention to ask the Prime Minister, Whether it was the intention of Her Majesty's Government to re-introduce the Parliamentary Oaths Bill next Session?

MR. GLADSTONE: I do not think I need trouble the hon. and gallant Member to repeat his Question; because I may at once tell him that neither now nor even at the end of the Session shall I be in a position to state on the part of the Government what will be the important measures that we shall introduce next Session.

COLONEL MAKINS gave Notice that he would repeat his Question before the end of the Session.

## TUNIS (POLITICAL AFFAIRS).

LORD RANDOLPH CHURCHILL asked the Prime Minister, Whether, in view of the events which were taking place in the Mediterranean, in view of the action of France in North Africa, in view of the war France was now carrying on against Tunisian subjects, and in view of the large number of troops that were being massed on the Italian Frontier, the whole subject was not one that could be discussed with advantage in the House of Commons? He also wished to know whether the Prime Minister would be able to state what action in relation to that subject had been taken by Her Majesty's Government?

MR. GLADSTONE: I shall be quite ready to answer the Questions of the noble Lord on this subject if he will postpone them for a short time. My reason for asking him to postpone them is that certain communications which have taken place between the British Government and that of France on this matter will be at once presented to the House, and it will be of advantage that they should be in the hands of hon. Members before I answer the noble Lord's Questions.

## INDIA (FINANCE, &amp;c.)—THE INDIAN BUDGET.

MR. O'DONNELL inquired when it might be expected that the Indian Budget would be brought before the House?

MR. GLADSTONE: Not until we have made some progress with Supply.

## MOTIONS.

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## PARLIAMENT—BUSINESS OF THE HOUSE.—RESOLUTION.

MR. GLADSTONE moved—

"That the Orders of the Day be postponed until after the Notice of Motion relating to the Transvaal."

Motion agreed to.

## TRANSVAAL RISING.—RESOLUTION.

SIR MICHAEL HICKS - BEACH: At the outset of the remarks which I shall venture to address to the House in support of the Motion of which I have given Notice, I should like to refer to some words which fell from the Prime Minister the other day. I then gathered from the expressions of the Prime Minister that but for the attacks which had been made on the policy of Her Majesty's Government this would not, in his judgment, have been a convenient occasion for this discussion, and that he threw upon us rather than upon Her Majesty's Government all the responsibility for any harm that might arise from bringing it on at this time. As far as I am concerned, I venture to disclaim any responsibility of the kind. In the early part of this Session, we abstained, not merely from discussing, but even from questioning the Government upon the subject, because we believed that they would carry out the policy which was laid down in Her Majesty's gracious Speech from the Throne. But when we discovered that that policy had been, in our opinion, reversed, we felt it to be necessary, at the earliest possible opportunity, to enable Her Majesty's Government to offer such explanations of their conduct as it might be in their power to give to the House, and ourselves to challenge the judgment of the House upon the course they had pursued. Therefore, if—as I hope will not be the case—any harm should result from this discussion at this moment, I do not think that that harm can fairly be charged to the account of those who sit upon this side of the House. I am quite sensible of the difficulty and of the delicacy of the questions with which we have to deal. Whatever may be the future relations between the Boers of the Transvaal and this country, all would wish that those relations should be friendly;

and, therefore, I hope that in the course of this debate nothing may be said which will interfere with our friendship in the future. For my own part, I can only say this—that whatever there may be in the history of the present or of the past as to which we may have a right to complain of the conduct of the Boers of the Transvaal, I shall keep those matters entirely, as far as I can, apart from my argument; and all the more on this account—that I feel that any wrong-doing on their part has been due not so much to the fault of those who at the moment have been nominally in the position of authority in the Transvaal as to that spirit of insubordination natural to every comparatively uncivilized community—a spirit of liberty degenerated into personal licence—to which the fall of the first Transvaal Government was due, to which most of our difficulties in connection with that country may be traced, and from which may spring even greater trouble in the future. Now, I do not wish at all to underrate the difficulties of the charge with which Her Majesty's Government have to deal. It is very easy to denounce any South African policy; but since some hon. and right hon. Gentlemen took up their positions on the Treasury Bench, they may have realized that it is extremely difficult to frame a South African policy which shall take fair and proper account of all the numerous and conflicting interests involved. And, in spite of much that has occurred, I should not personally have been ready to challenge the conduct of Her Majesty's Government in this matter if it did not appear to me clear that, in dealing with the Transvaal, they had solely present to their minds the claims of the Boer inhabitants of that country, and had forgotten, for the moment at any rate, those of that far larger portion of the population—the Native population and the loyal inhabitants who are attached to Her Majesty's dominion. It is not the first time that, in my humble opinion, there has been some failure on the part of some Members who sit on that side of the House, to look at both sides of a South African question. I can remember the debate on the Zulu War. At that time the wrongs of the Native population were the great topic on which those hon. Members delighted to dilate. Everything that was good was ascribed

to the Natives; but when they came to talk of the Colonists, whether of English or of Boer origin, their remarks were by no means complimentary, and often, I am sorry to remember, were calculated to diminish the friendly relations between this country and the inhabitants of South Africa. But now, on the other hand, to all appearance, they think of nothing but the Boers. I should like to hear some voices on that side of the House take up the case of the Native population of the Transvaal as they took up the case of the Native population of Zululand. I should like to hear some proof from that Bench that the Native population of the Transvaal has occupied any place in the thoughts of Her Majesty's Government. I think that Her Majesty's Government have been unfortunate in this, that if their proceedings be viewed, as a whole, from the time they took Office up to the present time, I question whether there will be any Member of this House by whom they will be entirely approved. Why, Her Majesty's Government do not even approve of their whole South African policy themselves, for we have heard from the right hon. Gentleman the President of the Board of Trade, a Member of the Government by no means very anxious to admit himself wrong, that in the earlier part of their South African policy they made a mistake. At the commencement of this Session hon. Members sitting in that part of the House were decidedly opposed to the war into which Her Majesty's Government felt themselves compelled to enter. We, on our side of the House, are even more opposed to the manner in which they have concluded it. Many hon. Members objected to the policy which Her Majesty's Government adopted at their accession to Office, because they said that that policy was inconsistent with their previous declarations. We, on the other hand, now object to a reversal of the policy of which we approved; and yet, though Her Majesty's Government have so plainly proved themselves to be fallible in this matter, that very independent Member the Member for Carnarvonshire (Mr. Rathbone) has given Notice of an Amendment to my Resolution, which, though it does not dwell very much on the past, expresses a blind confidence in the future policy of the Government,

as if they were the most consistent and successful Government that ever administered public affairs. I am not going to occupy the time of the House at any length by referring to the past history of this question; but I do not think that I can entirely neglect it, because I am perfectly ready to admit that the course of Her Majesty's Government cannot fairly be considered unless this past history is also in the minds of the House. The late Government were responsible for the annexation of the Transvaal. I have no reason to complain of the mode in which that annexation has been referred to either by Lord Kimberley or Mr. Grant Duff as representing the Colonial Office in Parliament. If I remember right, both those Gentlemen have frankly admitted that the annexation was not due to any mere spirit of territorial greed. It was undertaken by the late Government with the view of protecting our own Colonies, and delivering from an apparently impending destruction a ruined and helpless State, including many British subjects within its borders. I think it must also be admitted by those who fairly consider the circumstances of that time, that the annexation was not carried out by force, but was undertaken with the consent of the people—"Oh!"—with the express consent of the inhabitants of the towns and the Native population, and with the tacit assent of the Boer farmers. No doubt, a Memorial was sent home by Members of the former Government protesting against that annexation; but I think it is sufficient in mentioning that Memorial to add that all those, I believe, occupying official positions in the Transvaal, with the solitary exception of Mr. Kruger, testified their practical acquiescence in the change by retaining their offices under the new Government. Well, the annexation was effected. Unquestionably, after that time a spirit of disaffection and of dislike to our rule manifested itself in the Transvaal. In consequence two Embassies were sent to this country, who represented the independent Boer population. The first of them having been received, and having stated the whole case to my Predecessor, returned to the Transvaal, expressing themselves satisfied that the annexation could not be reversed. The second Embassy came to this country when I had the honour of occupying the

Colonial Office. I placed before them, as was my duty, the facts of the case as they appeared to Her Majesty's Government. I put before them the obligations we had undertaken—the impossibility, as it appeared to us, of receding from those obligations. But I also expressed the strong desire of Her Majesty's Government to give them as extreme an amount of local self-government as might be compatible with that control over Native questions, both within and beyond their borders, and over the foreign relations of the Transvaal, which it was our duty in the interest of our South African Dominions to retain. Well, their answer was this—We will not discuss these matters with you until you first give us back our independence. I endeavoured, both publicly and privately, to overcome this resolution. I remember perfectly well speaking in this House upon the question, and going so far in my statement of the desire of Her Majesty's Government to meet all reasonable wishes of the Transvaal people on this head, that I was actually taken to task by Irish newspapers because, as Colonial Secretary, I was willing to concede Home Rule to the Transvaal, whereas, while Chief Secretary to the Lord Lieutenant, I refused it to Ireland. In the autumn of 1879 grave difficulties threatened the Transvaal. I feel bound to say that, in my opinion, no small addition was made to those difficulties by the sympathy and support which the Transvaal Boers had received, and knew they could reckon upon, from the hon. Member for Liskeard (Mr. Courtney) and other persons in this country. However, time went on, and matters to all appearance settled down. When Her Majesty's present Government came into Office the financial prospects of the Transvaal—no small test of the reign of law and order in that country—were, I will venture to say, as hopeful as could be found in the history of any of our recently-annexed Colonies. The state of political affairs which had existed in the previous autumn had greatly improved; the mass meeting of the Boers, which was summoned for April, had been postponed indefinitely; and Sir Garnet Wolseley was able to report in April, 1880, to Her Majesty's Government that the reports from all quarters of the Transvaal sustained the opinion that the people

*Sir Michael Hicks-Beach*

had determined to renounce all further disturbing action and return to the peaceful scenes of their rural life; and he held out to the Government of the day as favourable a picture of the future prosperity of the Transvaal under the Colonial Government as was ever held out by anyone in a similar position. I have seen blame attached to the late Government because they did not confer representative institutions on the Transvaal; but anybody who fairly considers the circumstances, who remembers that the Representatives of this very considerable portion of the Transvaal population would not even discuss those institutions with us, must surely see that it was impossible to do anything more in this direction than was done by the late Government—namely, to confer the Provisional Constitution of a Crown Colony, in the hope that matters might soon so change as to enable them completely to fulfil the promises which were made by Sir Theophilus Shepstone at the annexation. And when the particular form of this Provisional Constitution is objected to I must say that, after all, when you come to consider the circumstances of the Transvaal, many persons, whose opinions are of far greater weight than mine on Colonial questions, would consider that, in a territory comprising 40,000 Whites to 800,000 Coloured persons, the government of a Crown Colony is by no means ill-adapted to secure real liberty to the whole of the population. Well, the present Government acceded to Office. They found matters in the state which I have described; and, after a full consideration of the whole circumstances of the case, they resolved—I remember the words of the President of the Board of Trade last summer—they resolved without doubt that Her Majesty could not be advised to relinquish her Sovereignty over the Transvaal. Now, I do not at all find fault with that determination. It was approved by the country; it was approved by the House. ["No, no!"] It was brought to the test of a debate and a division in this House by the hon. Member for Liskeard; and the policy which Her Majesty's Government had adopted met with the definite approval of the majority of this House. But there was then an element in this question which had not existed in our time. The impression—I will not now question whether it

was well founded or not—had prevailed, not only in the Transvaal, but throughout the whole of South Africa, that the present Prime Minister, in certain speeches which he made when in Opposition, had expressed his intention to restore the Transvaal to the Boers. I am not inquiring whether what the right hon. Gentleman actually said justified that impression. All I would say is that that impression undoubtedly prevailed. It is clear from statements made by our Colonial officials in the Papers which are in the possession of the House, from frequent references in Petitions which have come from the Cape, from the Transvaal, from Holland, in favour of the restoration of independence to the Boer—it is clear that that was the sense in which the words of the Prime Minister were received. But the letter of the Prime Minister in June and the previous announcement of the policy of the Government in the Queen's Speech from the Throne dissipated this impression in the minds of those who had entertained it. And, as the impression had led to great hopes, so its dissipation led to great disappointment. It would, I think, be difficult to exaggerate the effect of this disappointment on the position of affairs in the Transvaal. I remember reading a letter by Mr. Joubert on this question, written in the early part of this year. Mr. Joubert asked at considerable length, and in very strong language, why the Prime Minister had not carried out his promises, and done that for which they relied on him? Well, in December an outbreak—so far as we can see, unexpected alike by the Government of the Transvaal, by the Government at home, and by the people generally in South Africa—occurred in that country. Her Majesty's Government had then to deal with an entirely new phase of the question. Almost at the same time as the outbreak occurred there came from South Africa a Memorial to the Colonial Office—sent at the instance of some of the most influential Representatives in the Cape Parliament—praying Her Majesty's Government to appoint a Commission to inquire into and deal with this question. Sir, I have never been able to understand why Her Majesty's Government considered that request for a Commission inopportune, when, some weeks later, after the series of defeats which they had sustained, they



agreed to the identical proposition which was then submitted to them. But they declined it. They knew at the time they declined it—they must have known long before that time, just as well as they knew in February and March last—the grave dangers that existed in this matter from the undoubted sympathy between a large part of the population of the Cape Colony and the Free State and those who, in blood at any rate, are related to them in the Transvaal. Yet, when this proposal was made to them at the time of the outbreak, this danger does not seem to have exercised the same influence on their minds as it made after the series of defeats to which I have referred. Her Majesty's Government persisted in the policy which they stated to Parliament in Her Majesty's Speech from the Throne. I do not blame them for persisting in that policy; but what I do blame them for is this—that they carried it on for a certain time, and then they abandoned it. I believe that by their half-hearted action in this matter, not only has it happened that blood has been shed to no purpose—the blood of brave British soldiers—not only has it happened that our Army has had to deplore defeats unavenged; but, even worse than this, that Her Majesty's Government have effectually precluded themselves from securing the interests of those whom they were most bound to protect against the men whom they fear; that by making peace at the time and in the manner in which they made it they have secured, not only that peace shall not be lasting, but that it shall be the precursor of infinitely worse trouble than any from which their weak yielding has for the moment delivered them. Now, I understand that Her Majesty's Government argue that they have carried out the promises which they made to the country in Her Majesty's Speech from the Throne; that they have re-established the authority of the Queen in the Transvaal; that the arrangements which are now in progress are identical with those to which they would have consented last summer; and that, in point of fact, the Boers have surrendered to them, and not they to the Boers. Well, let us take these points and see how far that argument can be sustained. Has Her Majesty's authority been re-established in the Transvaal? What is the present

position of affairs in that territory? Why, I will venture to say that Her Majesty's authority does not extend beyond the boundaries of those fortified posts which we occupied during the war, except by the kind permission of the leaders of the Boers. When, at the suggestion of the Boer leaders—and it is a suggestion which did them very great honour—you sent a detachment of troops to re-occupy Potchefstroom, you were obliged to send it under the escort of one of those leaders through a territory which you say is subject to your authority. The Papers show that even now, so far as we can tell, at Middelburg and other places which have not been garrisoned by the English, the Landroosts of the English Colonial Government have not been permitted to resume their offices or to re-hoist the English flag. And in the mere matter of the collection of taxes, when the *ad interim* Government of the Transvaal—your Government—thought it right that certain licence duties should be raised, they were obliged, in the very newspaper that gave notice of their intention, and at the side of that advertisement, to add to it a letter signed by the Boer leaders in testimony of their gracious permission that this taxation should be levied. This is what you call re-establishing the Queen's authority in the Transvaal. How will it be in the future? Are the arrangements to which you have agreed in any sense identical with those to which you were prepared to agree last summer, or before this war broke out? What view do the Boer leaders take of this matter? I will venture to say, without fear of contradiction, that anyone who looks through the whole literature on the subject—and that literature is very large—will find there is one thing on which the Boer leaders have been alike consistent and persistent, and it is this—that their independence, as far as regards everything within what they call the Transvaal, must be restored entirely, and that, without the restoration of such independence, they were not even prepared last March to negotiate with us. What interpretation are the Boer leaders, after the victories they have secured, likely to put on the terms of the agreement to which you have come? Why, this—that all they have ever contended for has been obtained; and I will venture to say that that is fully

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carried out by the terms of the agreement itself. If by your making peace even at the time, and in the manner in which you made it, you had obtained the terms which you were prepared last summer to concede, I admit that there would be something to be said in defence of Her Majesty's Government. I think I have shown that this—at any rate, in the minds of these victorious Boers—cannot possibly be the case. But if it is not the case, what have you done? You have given to men with arms in their hands what you denied to their peaceful prayers. And, of all policies, that must be the most fated to a country like this, having domination over so many alien and ignorant races. But you did not do this without warning. I suppose I shall be told that Tories are careless of the shedding of blood. But you had warnings as to the danger of your course from men who you dare not say are careless of the shedding of the blood of either their own soldiers or of the race with whom hon. Members opposite now so warmly sympathize. You had opinions from Sir Evelyn Wood and from Mr. Hoffmeyer, at Cape Town. Sir Evelyn Wood, on the 5th of March, said—

“Considering the disasters we have sustained, I think the happiest result would be that after accelerating a successful action, which I hope to fight in about 14 days, the Boers should disperse without any guarantee, and then many who are now undoubtedly coerced will readily settle down.”

Again, on the 7th of March, he said—

“After eight hours' talk I am confirmed in the opinion I expressed in my telegram of the 5th instant.”

What did Mr. Hoffmeyer, the advocate of the rights of the Boers of Cape Town, say? Telegraphing to Mr. Joubert on the 11th of March he said—

† “In any case, before the Commission can be appointed, either the British arms must have conquered or the Boers must have given a tangible proof of submission in the eyes of the world.”

What would have been the risk of persisting in the policy which, so far, you had carried out? No doubt it is possible that some lives might have been lost. Yet we know now that Laing's Nek was a position which might easily have been turned, that the defences were contemptible, and that many of the Boers were getting tired of the conflict.

Success might not improbably have been obtained even without loss of life; but even if loss of life had followed, what a position would have been gained by it as compared with that which you now hold. Having defeated the Boers, and having secured their submission, you would have been in the position which was somewhat prematurely described by Mr. Grant Duff when he said that the policy of this country was *parcere subjectis*; you might then, with true magnanimity, have given to a defeated enemy terms which you ought never to have given to a victorious foe, because you would have had a security for the performance of any conditions that you might have required. They would have felt and appreciated the power of Great Britain, and all, whether Boers or Natives, in South Africa would have known that whatever conditions were made in the Treaty to which they might have agreed would be enforced by a Power capable and willing to enforce them. Lord Kimberley talked the other day of the salutary influence which Her Majesty's Government might still exercise in the Transvaal. But your influence must be based on something. What is the basis for it now? Is it the terror of your arms? Even while you maintain an army there, to all appearance, rather to protect the Boer leaders against the Natives and the loyalists than for any other purpose, you have not re-established your authority; and you know very well that you will not permanently maintain a large army in the neighbourhood of the Transvaal. Is it to be moral influence? What can be the moral influence of a country which has behaved as you have behaved, which has added another chapter of reversal to the many previous chapters of reversals in our South African history, which has betrayed its friends and yielded to its victorious enemies? I have thus far spoken rather of the power which the action of Her Majesty's Government may have left to them of insisting upon the performance of the stipulations of the Convention which is about to be concluded than of the merits of the Convention itself. It appears to me that, whatever the merits of that Convention may be, the manner in which it has been concluded is an insuperable bar to its successful working. But what are likely to be the merits of the Convention itself? I

did not want to discuss this part of the question in the dark; and therefore, the other day, I was rather anxious that this debate should be postponed till we had the Convention itself before us. As, however, the right hon. Gentleman has insisted upon it, I am obliged to gather what I can from the Papers as to the terms of that Convention. [Mr. GLADSTONE: I did not insist. Exactly the reverse.] The right hon. Gentleman has insisted that either by me or by someone else this question should be brought before the House to-day. [Mr. GLADSTONE: No!] I am therefore obliged to discuss this question without knowing what the Convention is. I have said that throughout the whole course of the history of this matter the Boer leaders have been consistent and persistent in claiming independence for the Transvaal, so far as it affected the interior government of that country. They announced, some time ago, their readiness to accept a kind of protectorate on the part of Great Britain. I take it that that protectorate is identical with the suzerainty proposed by Her Majesty's Government. I do not wish at all to dispute the value of such a control, looking to the possible future of South Africa, upon the relations between the Transvaal and other foreign civilized States beyond the borders of South Africa. That, I take it, the Boer leaders have agreed to, and that, I understand, they were always willing to agree to. But I very much question whether the Boer leaders really understand that the terms of peace concluded between them and Sir Evelyn Wood authorized this country to maintain any effective control over the relations between them and the Native tribes upon their borders. I suspect that this has been a matter which has been relegated by them to the decision of the Commission, with complete confidence that the Commission will not insist upon any definite action of that kind. Why do I say this? Because I cannot understand how any such control can be practically exercised, unless the real government of the Transvaal be in the hands of Her Majesty's Government. You are to have a Resident at the capital of the Transvaal, who is supposed to control the Frontier policy of that country. But how is he to do so? Has he any force at his command? And what is the Frontier policy of that country? Why, as everyone who has given the

slightest attention to the South African Question knows, the Frontier policy of every African State is made up of cattle raids on one side and of claims to land on the other; and from most trivial causes of this kind the most bloody wars have arisen. What is your Resident to do when he hears of cattle raids by the Swazis and other powerful tribes? Is he to tell the Boers that they must not retaliate, and that they must look to the control of Her Majesty's Government? If so, will not the Boers very naturally say—"Well, if this be so, Her Majesty's Government must protect us against these inroads?" But how is the Government going to do it? Or suppose—and this is very likely—that the Boers laugh at the advice of the Resident, that they retaliate upon their neighbours, and that their neighbours in turn retaliate upon them. Why, then, you will have the old story over again; you will have the precise circumstances recurring which led to the annexation of the Transvaal. This brings me to another part of this question of even greater importance. What, I wish to know, are to be the borders of the Transvaal? Hon. Members have, no doubt, studied the map of the Transvaal which has been recently circulated. Those who have done so will see that the nominal borders of the Transvaal extend far beyond the real limits of the Boer occupation. If Her Majesty's Government had made peace in such a manner as to render it probable that the terms arranged would be really observed, I grant that it might have been a possible, though I think it would have been a difficult, solution of this question to have founded a second Orange Free State in South Africa, limiting the Boers of the Transvaal to the territory which they really occupy, and giving them, within those limits, complete independence, having the security, which you have in the case of the Orange Free State, that their boundaries would be distinctly defined, so that beyond those boundaries you might, had it so pleased you, have established a British protectorate or government over the Natives. In that way you might have confined the Boers within their proper limits, and taken reasonable and necessary securities for their non-interference with their Native neighbours. That would have been a possible policy under certain conditions, which

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Her Majesty's Government have not fulfilled, and I cannot help thinking that it was a policy which recommended itself to the Colonial Secretary when the terms settled by Sir Evelyn Wood were agreed to. But now what is to happen? We have had from several sources of information statements—so frequently repeated that there must be some truth in them—that this country, to the East of the 30th degree of longitude, is to be retained in the Transvaal. I think it is very possible that this may be the result, and why? Because it is a result which is very keenly desired by those whose interests alone appear to be consulted in this matter—namely, the Boers themselves. I notice among the Papers that are laid before the House statements as to the feeling of the Boers upon this subject. Mr. Joubert, in a speech at Potchefstroom, on being asked about the 30th degree of longitude said—"Never mind, that will be all right; we shall get back our country." I notice also a strong Petition signed by Boers in the neighbourhood of Pretoria, and presented to the Boer leaders, telling them, in so many words, that if they consent to give up any part of their country the people will again resort to arms. I notice also a statement from the Utrecht district by Mr. Rudolph, showing that the Boers there were likewise averse to any separation of the Native territories. Suppose Her Majesty's Government make concession in this matter to the Boers, what will they have done? Have Her Majesty's Government any right to give over those Native territories to the Boers? Let me state what is the actual population of these districts. In Lydenburg there are 123,320 Natives, 1,286 Boers, and 292 persons of English or other nationality, and some of the Boers there are reported to desire a continuance of the English rule. In Waterberg there are 174,045 Natives, 714 Boers, and 50 persons of English or other nationality; in Zoutpansberg there are 364,200 Natives, 654 Boers, and 160 persons of English or other nationality. Now, I would very much like to know what right some 2,654 Boers have to the future government of this great territory, inhabited by 660,000 Natives, all of whom, so far as we have any expression of opinion on the subject, have a desire for the continuance of English

rule; or, at any rate, of the condition in which they are at present placed. I will venture to say that nothing can be stronger than the statements that appear in the Papers on this subject. It is stated by the Native Commissioner that he found the Waterberg district and also that of Zoutpansberg in a most unsettled state, and that the majority of the Chiefs were prepared for war. He says—

"I was distinctly informed, by the Chief Ligidi, that if the rumours to the effect that the British Government intended abandoning the country were true, the Natives would take the law into their own hands and settle their grievances by arms. I was further informed by the same Chief that the Natives ignored the authority of the Boers, and that, having driven them once before out of the district, they might do so again. During the war, and my absence from Blueberg, Ligidi took charge of the Government offices and also the cattle; and when it was known that the Boers intended seizing all the Government property his commando, I believe 700 to 1,000 strong, was ordered into the field, and instructions given to the effect that if the Boers attempted to enter the Poort they were to fire upon them. The Government property taken charge of by the Natives was duly returned to me, and upon inspection I found everything correct."

Another Chief of the Waterberg district, who can turn out from 6,000 to 8,000 fighting men, and who rules over about 40,000 souls, said that he never was a Boer subject, and that he and his people would never consent to Boer rule. Well, what right have you, when dealing with masses of Natives of this character, to hand them over to a few Boers? It is one thing to give the Boers self-government; but it is quite another matter to give them the right of governing these hundreds of thousands of men who have joyfully accepted the position of British subjects, and whom you are bound to care for in the future as in the past. Why, you have not ventured to do such a thing even in your own Colonial Possessions. Only a few months ago Her Majesty's Government refused to the Colony of Natal the gift of responsible government, and what was the main reason for that refusal? Why, that the White population of Natal is about 23,000, while the Native population is about 400,000. I know that responsible government has been given to the Cape, with authority over large Native districts; but remember this—that the Cape Colony is a community far advanced in civilization when compared with the Boers of the Trans-

vaal; and that it is a community where there is every material for a capable and enlightened Government, and where day by day and year by year there is springing up a greater desire for a humane and fair policy towards the Native races. But it was not very long ago that, even with regard to the Cape Colony, some right hon. Gentlemen, now Members of the Government, used harsh language about the policy of the Cape Government towards the Kaffirs or Basutos. Those Gentlemen, I think, if I am not wrong, expressed a desire that the control of this country over those Native territories should be resumed, and that they should no longer be left in the hands of the Cape Colony. Then, with what face can a Government composed of Gentlemen who have made statements of that kind make over all the Natives north and east of the Transvaal to a few uncivilized Boers who have not a shadow of right, or the slightest power to rule over them? I say they have not a shadow of right. Why, the inclusion of these districts in the old maps of the Transvaal is a geographical farce. The Boers never exercised authority over the greater part of them; and from some parts where they did exercise authority they had actually been driven out before the annexation, and the Boer farmers have paid black mail to the Native Chiefs. What can result from this policy on the part of the Government? You cannot hand over to the Government of the Boers Natives who have expressed the opinions I have quoted. They will resist it. But suppose the Boer Government—you having handed them over, as far as your power goes—attempts to enforce your decision. Why, you will have the commencement of a bloody Native war. I will venture to say that every drop of blood shed in that war will be upon the heads of those who, in dealing with this subject, have ignored the rights which belonged and the duties which they owed to seven-eighths of the population of the Transvaal. But more than this, I have spoken of the strong; I will now speak of the weak. There are Natives within the limits of the Boer portions of the Transvaal, within reach of Pretoria and the principal centres of population. What is their view of the question? Why, Sir, their view of the question is this—that they are too weak to fight—that they must either leave their homes

or submit with dread and pain to those whom, rightly or wrongly, they look upon as their ancient oppressors. Will the House bear with me while I read just one extract from these Reports with which the Blue Books teem, as to the feelings of these unfortunate persons? I find that in the Pretoria district there is one Chief whose name is Jan Kekana. Jan Kekana and another Chief had an interview with Sir Evelyn Wood. His Excellency said that he was very glad to see them. Jan Kekana said that they had come in specially to ascertain what was the truth regarding the statements made to them by the Boers that they had beaten the English and taken the country back. Jan states that they, the Natives, did not wish to live under the Boer Government again. That they had acknowledged the English Government's taking the country with gratitude, and that they could not and would not now disavow their act. Sir Evelyn Wood stated that the Boers had not beaten the English, but had repulsed on three different occasions a small English force, on no occasion more than 500 strong; the Boers had, in each instance, three or four times that number; that there were now very large reinforcements in Natal; but that the Queen did not wish more blood to be shed, and had graciously granted peace to the Boers. That is an answer which does great credit to Sir Evelyn Wood's ingenuity, as well as to his patriotism. But, strangely enough, the Native Chiefs were not satisfied, nor were they satisfied with the attempt which Sir Evelyn Wood made to explain the securities which would be provided for their protection under the Boer Government. Having heard all these explanations, Jan Kekana then said that they did not wish to return to the Boer Government, that he had grown up under the Boers, and knew what they were, that they were even now threatening them with what they intended to do when they were in power again, and that he felt sure many days would not pass before complaints were received from the Natives of ill-treatment by the Boers. The Chiefs then went on to say that they could not speak with two mouths and serve two masters, that they had thankfully become British subjects, and would not again consent to be ruled by the Boers; that if the country was given back to the Boers they would

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move their people and property to the mountains and fight rather than submit to Boer rule again. Jan Kekana then concluded by asking that he might be allowed to purchase powder should the country be given back. They then took leave, and were rewarded by Sir Evelyn Wood for their good conduct. Jan Kekana thanked His Excellency, and said what they had done was nothing, and had not been with the view of receiving any reward; they were British subjects, and what they had done was a matter of duty. What they wanted was that the country should still be ruled by the English; that was the reward they craved for, and that they would not consent to be ruled by the Boers again, and they requested that, should the country be given back, sufficient notice should be given to enable them to move their families and property at the same time as the Government left the country. I have here another touching document, which was addressed by another Native Chief to Mr. Shepstone—

"Please have the great kindness to answer me the following question—Are you English really defeated? I am very sad, because I thought your honour would always be my father, and foster me; but now you leave the country and us to our fate. Oh, may your honour, before leaving the country, not forget to do something for the Black population of the Transvaal, so that they may bless you. Oh, might the Commission make a paragraph to protect us from unjust treatment or the like. May your honour, who has to now been our father, do acts of a father for his children whom he leaves. May your honour think of your child Magate, so that nobody dare take revenge. Oh, make a peace which will also be a real peace to us Black people. All this which I write are the prayers of the hearts of me and my people. For God's sake, don't forget us in the peace you make!"

In reply, he also was told that the English had not been defeated, and that every care would be taken to protect the rights and interests of the Natives. Mr. Rudolph reported to Sir Evelyn Wood on April 26—

"A great many of the Natives of Luneberg and the surrounding country met me there, to express their thankfulness that British rule was again established in their district. . . . Also the Natives of the country cut into the Transvaal by the boundary line made after the Zulu War."

And now, are you going to give up all these people to the Boers, merely taking paper securities for their future protection? For, after what has occurred, your

securities, I fear, will be nothing else. Remember what these people have done. In 1877, they loyally accepted British rule. They remained at peace even when the Zulu War and the difficulties of the Transvaal Government would have tempted them, had they desired it, to revolt. They paid taxes willingly when called upon to do so, believing that thereby they secured for themselves your protection. During the war they helped you by every means in their power, in spite of the fact that they were often ill-treated and plundered by the Boers. They would have fought against the Boers if every exertion had not, very properly, been made to prevent them from interfering, though they naturally thought it strange that they, being British subjects, should not be permitted to fight in defence of the Queen's authority. But they must surely think it stranger still that after all this they should be deserted by the British race, in whom they had trusted, and of whom they had possibly heard as the protectors of the Coloured population, not merely when they were British subjects, but in all the countries of the world. Is this a step in that path of liberty, justice, and humanity in which the right hon. Gentleman the Prime Minister a short time ago told us that his Government was proceeding? Is this the regard paid to the "greatest happiness of the greatest number" which I observe in a sort of official statement which has recently appeared in the newspapers is the sole aim of the Liberal Party? Is this the way in which pledges given to the Coloured races are to be redeemed by those who hitherto have been their especial defenders? Or are they now to learn for the first time that when a race arises strong enough for the moment to defeat our troops our sympathies for the Coloured population are to be thrown to the wind? We are giving to those who defeat us the right to govern themselves; can a Liberal Government refuse that very right to hundreds of thousands of those who have stood by us, because their skins happen to be of a different colour from our own? There is yet a further point. I rather gathered from the right hon. Gentleman's gestures, when I was alluding to the subject, that he will contend that care will be taken to protect the interests of all the Natives to whom

I have alluded. But how are the Government to do it? I am referring to the Natives within the territory which is still the Transvaal. I will venture to assert that there is no proof whatever in these Papers that the Boer Representatives have ever agreed that their conduct towards the Natives within their country shall be subject to our control. But even if that be agreed, how will you carry it out? You can only carry it out by having, as you might have in territory that belongs to you, control over the local Courts of Justice. You cannot carry it out merely by means of a Resident at Pretoria. Why, it may be that the Volksraad may pass laws, not only against slavery, but permitting Natives to hold land, and giving them full permission to move from one part of the country to another and some degree of independence. But how are you to secure that these laws shall be carried out in a country as large as France, thinly inhabited by a White population, and where there is no strong public opinion in favour of such laws? Is it not clear, from all that has hitherto occurred there, that they will be frequently violated; and if the Resident shall chance to become acquainted with cases of the kind—no very easy matter—what can he do? Why, he can only appeal to the Government for redress—a Government which depends upon the support of the people who may have committed the outrage. You never will obtain redress. But there are other persons in the Transvaal besides the Boers and the Natives. There are those who are known as loyalists. What is their position? They are not so few in number as has been hitherto supposed. We know that there have been 3,700 of them in Pretoria, that there have been others in different garrisons which have been besieged by the Boers. We know that Mr. Kruger recognized their numbers, when he admitted that he had some fear of their action, and of the claims which might be made by them for property of theirs taken by him and his friends to fight against their Sovereign. What is to be their future? Their numbers, it is true, though considerable, will be smaller than those of the Boers. You say you will take securities for the protection of life and property, and that they will be entitled to all the rights of settled govern-

ment. What do they think about it? Why, they think this—They feel the danger of their position so much that they are flying by hundreds from the Transvaal, sacrificing a large portion of their property for the moment in the fear of losing it all, and possibly their lives, by remaining. What have these people done? Why, in the first place, they have made large investments in the Transvaal on the faith of the promises of the British Government. That fact alone induced the right hon. Gentleman last June to attach great importance to the obligations which we had incurred. But since then, what more have they done? Why, they have adhered, in spite of threats and dangers, to the Government in which they trusted. They have fought and bled by the side of our soldiers in defence of the authority of the Queen. History will record in the future deeds of courage and skill on the part of the Boers; but history will also record equal deeds of uncomplaining heroism and self-sacrificing gallantry on the part of those who have remained loyal to the British Crown. What reward do you give them? You tell them you secure that which they know well it is not in our power to secure. I have always thought that it was the duty, the interest, and the pleasure of the Government of this country, whatever its political opinions, to encourage loyalty in the Colonial subjects of the Queen. A pretty encouragement you have given to these unfortunate men and others who may be tempted to imitate their example. The retrospect is painful, but the outlook is even more gloomy, not only for the Transvaal, but for the whole of our South African Possessions. It has hitherto been recognized as a matter of vital interest to all those communities that the supremacy and control of the British Government should be maintained in South Africa, in order to secure peace and good order between race and race and community and community. You have practically abandoned that supremacy and lost that control in the very part of South Africa where its exercise was most required. I fear that, by the manner in which the Government have brought this war to what they think a conclusion, they have insured a bitter harvest of evil for the future. They have encouraged a spirit

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which is not merely confined to a small body of farmers in the Transvaal who desire local self-government, but which is expressed in the words Africa for the Africanders, from the Zambesi to Simon's Bay—Africa for the Africanders, no longer a part of the British Empire, or subject to the authority of the Queen. I do not know whether this conduct can be rightly considered magnanimous and just; but what I venture to think is this—it would be more magnanimous if you had given what you meant to give before it was forced from you. It would be more just if you had paid more attention to the sufferings and the claims of those who, at great cost to themselves, have shown their attachment and loyalty to the Crown. The influence of this policy will go beyond South Africa. It will go all over the globe; and although it may be lauded with half-concealed contempt by those to whom it has given what they desire in the present, or by others to whom it promises what they hope in the future, yet I think by the varied races who compose our Empire it will be received in a spirit which no loyal subject of England would desire. If we have a friend, that friend will find in our conduct occasion for surprise. If we have an enemy, he will find in it occasion for delight. He will see in it a revelation of infirmity of purpose, a weak acceptance of a momentary defeat in an unpopular war, alien to the past history of England, and full of dangerous, and, it may be, fatal promise for our future. The right hon. Gentleman concluded by moving—

"That, in the opinion of this House, the course pursued by Her Majesty's Government with respect to the rising in the Transvaal, so far as it has yet been explained to Parliament, has resulted in the loss of valuable lives without vindicating the authority of the Crown, is fraught with danger to the future tranquillity and safety of Her Majesty's dominions in South Africa, and fails to provide for the fulfilment of the obligations contracted by this Country towards the European settlers and native population of the Transvaal."

**BARON HENRY DE WORMS:** Sir, I rise to second the Motion of my right hon. Friend. It may appear somewhat paradoxical, but I feel that this debate is at once too late and too early. It is too late, inasmuch as the House is now called upon to decide, not what the policy of the Government should be, but rather with regard to what it was. It

is too late, because the House is called upon to ratify, by its decision, as autocratic and arbitrary an act as ever has taken place either in this or any other country, because, also, by the will of a large and obedient majority—a majority too ready to accept the policy of the Government as a whole rather than to inquire into it and analyze it, to which we are obliged to submit, but whose verdict will not be that of the nation—Parliament has been committed to an act which, in the honest conviction of many even on the other side of the House, is most detrimental to the best interests of the country. Sir, this arbitrary proceeding may possibly be compared with the policy followed by the late Government; but the result of the comparison will be to the advantage of the latter. The Conservative Administration has been taunted with Imperialism. If by Imperialism it is meant that they have done all they could to augment and maintain the prestige of this great Empire, I am willing to accept the word. Sir, the Conservatives may have annexed territory, but they annexed it with the consent of Parliament; it has been left to the present Advisers of Her Majesty to effect the retrocession of territory without the consent of Parliament. This debate has come too soon, because the House is not in possession of the facts connected with the Royal Commission which would enable hon. Members to come to a clear and proper decision upon the policy that has been adopted by the Government. But, while considering what they have done, it is necessary, in order to arrive at a fair and just conclusion, that the House should also consider briefly and clearly why this annexation, which has been so abused by the Government, and which is now going to be cancelled by them—why this annexation took place. It is alleged by certain so-called philosophical Radicals that all conquest and annexation is wrong, as being a violation of the freedom of nations; but I maintain that the annexation of the Transvaal was as much in the interests of the White population as it certainly was in the interests of the Black population. It was in the interest of the Whites, because they proved totally unable to protect themselves—to collect taxes, or, indeed, to perform any of the functions of government. The Prime Minister said at Dalkeith, in



November, 1879, that the annexation of the Transvaal had been voted against by 6,500 adults out of a population of 8,000. These figures, I venture to say, do not represent the fact accurately. The White population of the Transvaal is somewhere about 40,000, and although it might be said that only 8,000 of this number are capable of bearing arms, I think the right hon. Gentleman will agree with me that capability to bear arms does not, of necessity, form the only quality which is required in the exercise of citizenship, and is not the only qualification demanded from those who are to have a voice as to the future government of a country. Moreover, Sir, if we had acted on those principles of liberty and humanity which are always paraded as the peculiar attribute of the Liberal Party, we ought to have taken a sort of *plébiscite* in order to ascertain the opinion of the Natives who had suffered so terribly from the oppression and cruelty of the Boers. As a matter of fact, there were only 6,500 against the annexation, and the rest of the adult population, together with the Natives, were in favour of it. The Boers themselves who had voted for the annexation had so acted because they considered the White population unable to govern itself and unfit to be trusted with the government of others. The attributes of this model Republic, to use the words of the right hon. Gentleman himself, this Christian community, are so well known as scarcely to need recapitulation. This model Republic was so enlightened and religious that it tolerated and practised slavery in its worst forms; so capable of self-administration, that with a population of 840,000 and an area of land as large as France, the Treasury had 12s. 6d. in its coffers at the time of the annexation; and so deep was the national and patriotic spirit, that Sir Theophilus Shepstone effected the annexation, without the slightest resistance, with a force of 25 policemen. The attributes of this Republic, which the President of the Board of Trade characterized as "animated with a deep and stern religious sense," are the enslavement and cruel treatment of its Native population. That has never been denied. ["Oh, oh!"] To those hon. Gentlemen who question that statement I would commend the evidence of Mr. Ludorf, a German missionary, who witnessed a good many of

these cruelties, and who asserted that on a particular occasion—[Mr. CHAMBERLAIN: What date?—] I have not the exact date, but the statement was made this year—a number of Native children who were too young to be removed were collected in a heap, covered with long grass, and burned alive. Other atrocities, too horrible to relate, have been committed. Mr. Merinsky, another German missionary, spoke of the Transvaal as a vast reserve for those who were animated by the lust of land, of cattle, and of the bodies of men. In a document issued so late as the 7th of February, 1881, and signed on behalf of the Triumvirate by Mr. Kruger, Vice President, it was stated that the ultimate aim of the rebel Boers was to banish English influence altogether from South Africa; that the root of their troubles lay in the cession of the Cape of Good Hope to England, and that their exodus was the result of the forced liberation of slaves breaking up their old patriarchal forms of life. Here is the evidence that slavery had existed among them. And in further proof of this, one gentleman, a loyal Boer, has had the courage to come forward and say that within the last few years he has purchased slaves. How can it then be said, in the face of such evidence, that slavery does not still exist in the Transvaal? These facts alone amply warranted the annexation, and should have been known to the Prime Minister when, in his speech at Dalkeith, on the 26th November, 1879, he said—

"In the Transvaal we have chosen most unwisely—I am tempted to say, insanely—to put ourselves in the strange predicament of the free subjects of a Monarchy going to coerce the free subjects of a Republic, and compel them to accept a citizenship which they decline and refuse."

Sir, the right hon. Gentleman thus compared the free subjects of this country with the free subjects of this model Republic—with men who tolerate and practise slavery with all its horrors, for it is only an evasion to say that it has taken the form of apprenticeship. Does he endorse that opinion, and defend this "European, Christian, and Republican community" (as he called it in his speech at Edinburgh on the 25th of November, 1879), on that ground? Is he again advocating the maintenance of a system of "apprenticeship," as he did so eloquently and with such effect in this House in 1838, when he urged that apprentice-

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ship in the West Indies should continue for two years longer on Sir George Strickland's Motion in the House of Commons, following Lord Brougham's in the House of Lords, in favour of its immediate abolition? The right hon. Gentleman's words on that occasion may well be quoted in description of his policy at the present time—

"I think myself entitled and bound to show how capricious are hon. Gentlemen in the distribution of their sympathies among these different objects which call for their application."—[3 *Hansard*, xlii. 256.]

A few years ago the right hon. Gentleman claimed for himself and his Party almost a monopoly of sympathy with oppressed nationalities; but now he exhibits equal sympathy with the oppressor. It may be a curious coincidence, but it is nevertheless a fact, that the speeches of the Prime Minister and other Members of the present Government in 1879 were followed by the Boer rising in 1880. Having obtained protection at the cost of English lives and treasure from the Zulus, whom they could not fight themselves, the Boers want now to pose before the world as an oppressed people and as a model Republic still suffering from the tyranny of a Tory Government. The Queen's Speech of the 6th of January announced that the authority of the Crown would be vindicated. I should like to ask hon. Gentlemen opposite if it has been vindicated, and what we have been fighting for? If insurrection was by its mere act to have terminated annexation, the Government need not have incurred blood-guiltiness; but at the first rising we ought to have retired from the Transvaal. On the same principle we need not have put down the Indian Mutiny, but should have ceded India; and we need not have resisted Fenians and Land Leaguers, but should have given up Ireland. If that policy had held good we should not have continued to hold Natal, which we annexed in 1839, under very similar circumstances, for in 1840 our troops were defeated by the Boers; but we did not, as now, surrender the country to them. When we annexed Griqualand, 10 years since, under the Liberal Government, we took, incorporated, and have since kept a large tract of land between the Hartz and the Vaal Rivers which was part of the Transvaal. Is Her Majesty's Government

going to give this up? On what principle is this policy to be carried out? Is the maintenance of our conquests and annexations to be decided by the lapse of time? Are those of 50 years ago to be permanent, and those of last year abandoned? On the 8th of June, 1880, the Prime Minister wrote—

"Our judgment is that the Queen cannot be advised to relinquish her sovereignty over the Transvaal."

It seems incredible that, 13 months afterwards, this House should be called upon by the right hon. Gentleman to endorse a Resolution approving of the surrender of the Transvaal. There can be no doubt that the object of the Boers is ultimately to obtain all our African Possessions for the Afrianders; this is clearly proved by the interference of the President of the Orange Free State on their behalf. The right hon. Gentleman in his speech on the Irish Land Law Bill laid great stress on the *pretium affectionis*. Might that not be applied to those who had lost their lands in the Transvaal by the conduct of the Government? It is to be applied to disloyal agitators in Ireland; could it not also be applied, with greater justice, to the loyal subjects of the Queen in South Africa? Sir, I regret to say that the Government have not taken that view, and I am still more astonished when I read the Amendment of the hon. Member for Carnarvonshire (Mr. Rathbone), who expresses delight at the policy of the Government. The Government and the hon. Member seem to be guided by the spirit which actuated Ralph when he said—

"How groat, I do not know,  
We may, by being beaten, grow."

They seem to think that it is to the honour of this country that England should be beaten, and that the flag of England should be dragged in the dust. When the Government had the power and the opportunity of saying that they disagreed with the annexation of the Transvaal they never opened their lips, and it was left for the hon. Member for Liskeard (Mr. Courtney) to act and speak on the subject as an independent Member. The present Government, when in Opposition, allowed the annexation to take place, and sanctioned it by their silence, and they only altered their opinion when our soldiers were butchered at Brunker's

Spruit and defeated at Majuba Hill and Laing's Nek, and they then took the opportunity of treating with the rebels when they were actually in possession of portions of Her Majesty's Dominions. Sir, I am within the recollection of the House when I say that this Session Her Majesty's Government was asked whether the Boers were rebels or belligerents, and that they hesitated to give an answer. Why did they do so? Because they knew that if the Boers had been unsuccessful they would have been liable to be hanged as rebels; whereas, having beaten the troops of the Queen, they were raised to the position of belligerents, and their Leaders to the rank of Plenipotentiaries appointed to treat with the Generals and Administrators of Her Majesty's Government. The words of Lord Cairns in "another place" are indeed true when he said that this country had "never blushed before;" but she must blush now; and I defy hon. Gentlemen to produce another instance in which the Government deliberately handed over the possession of a country to a number of rebels without the consent of Parliament, without even consulting Parliament, and after the Queen's troops had been defeated by rebels who were in possession of portions of the territory of Her Majesty. After various defeats, culminating in the disasters of Laing's Nek and Majuba Hill, the Government determined to send troops to Natal under General Roberts. The troops sailed, and were recalled by telegraph. Why was this done? Was there anything to modify or palliate our humiliating defeats? Sir, we heard of meetings and deputations to the Prime Minister, and we began almost to believe that we had been victorious, and that, with the generosity of conquerors, we were treating with a vanquished foe; whereas, in fact, Great Britain was treating with rebels, in actual occupation of part of her own territory, which they had invaded, and on which they had beaten her troops. The only conclusion that can be arrived at is, that the recall of General Roberts and the humiliating peace negotiations were concessions to Party, and to the overweening desire to maintain the large and obedient majority of the Government. This is a policy of humiliation and degradation which will not only prejudicially affect our position in our Colonies, but throughout the world. Sir, the solidarity of this Empire,

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with all its vast possessions, can only be maintained by the loyalty of its Colonists; and how is that loyalty to be kept up unless by confidence in the Mother Country? In the present instance, the Government has violated all principles on which alone loyalty and confidence can be based. The English settlers who bought land on the strength and in faith of English rule and English promises are ruined. The action of Her Majesty's Government has, in my opinion, tarnished the honour of the Empire, and is now imperilling that which is of vital importance—its credit. Our obligation to the Boers is to teach them civilization and humanity, and not to allow them to carry on an infamous traffic which the House of Commons half a century ago declared could not exist under or in contiguity with the British flag. We are the proud champions of liberty all over the world, and how strange it must seem in the eyes of the world when the Government of England is seen as the advocate of slaveowners. The policy of the Government is a surprise and a regret to every man—certainly to every loyal subject—and I ask the Government to think of the feelings of those brave men who, after escaping a soldier's grave, have lived to hear it said of their fallen comrades that they fought and fell in an unworthy cause. Sir, as a protest against the course which has been adopted I beg to second the Motion which the right hon. Baronet has so ably proposed.

Motion made, and Question proposed,

"That, in the opinion of this House, the course pursued by Her Majesty's Government with respect to the rising in the Transvaal, so far as it has yet been explained to Parliament, has resulted in the loss of valuable lives without vindicating the authority of the Crown, is fraught with danger to the future tranquillity and safety of Her Majesty's dominions in South Africa, and fails to provide for the fulfilment of the obligations contracted by this Country towards the European settlers and native population of the Transvaal."—(*Sir Michael Hicks-Beach.*)

MR. RATHBONE: Sir, I rise to move as an Amendment to the Resolution which has been proposed—

"That this House, believing that the continuance of the war with the Transvaal Boers would not have advanced the honour or the interest of this country, approves the steps taken by Her Majesty's Government to bring about a peaceful settlement, and feels confident that every care will be taken to guard the interests of the na-

tives, to provide for the full liberty and equal treatment of the entire white population, and to promote harmony and goodwill among the various races in South Africa."

I should not have ventured, on attempting to answer the able speech of the right hon. Baronet, in any reliance on eloquence that the House knows I do not possess, and never pretended to, had I not felt firmly convinced of the right and justice of the case which I have to defend, and that it required merely a plain, straightforward, and business-like statement of the facts as they exist, and an appeal to principles which we all recognize to uphold it. The right hon. Baronet alluded to me as believing in the absolute faultlessness of the present Government. It is not because I believe the present Government are faultless—I do believe that it is one of the strongest and most just Governments that has ever existed in this country—but because I believe when they find that they have made a mistake they have the courage to correct it. I entirely disagree with the principle which has gone through the speech of the right hon. Baronet. The right hon. Baronet has assumed throughout the whole of his speech that this country was bound to act as policemen throughout the whole of the districts of South Africa. He described most graphically the impossibility of our fulfilling that position. From the speech of the right hon. Baronet, I gather that he has only recently read the history of affairs in South Africa; because, from former speeches of the right hon. Baronet, I had felt inclined to doubt whether he had noticed how we had tried, and tried in vain, under Government after Government, the very task which the late Government also attempted, and in which it likewise failed. I altogether differ from the right hon. Gentleman in his view that the Government were not justified in staying hostilities as they have done, for I feel strongly and deeply that national vengeance is national criminality. No Government would for a moment be justified in going on when once they were convinced that they were in the wrong. It will be my duty, in the course of the observations I have to submit to the House, to question the accuracy of the accusations which had been brought against the Government in the attack made upon them during the last Recess on the subject of their South

African policy. It appeared to have been agreed that the Transvaal Question should be the staple means of discrediting Her Majesty's Government. The right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross), being a lawyer, and who thought he had better read his Papers first, was the only Gentleman who did not make the Transvaal Question the ground for intemperate speeches against the Government during that Recess. I submit this Amendment with confidence to the House because I am satisfied that the action of the Government, in putting an end to the war in the Transvaal as soon as they were convinced that the annexation of the Transvaal was a mistake and before further blood was shed, was one of the most courageous and righteous acts which has been witnessed in our time. I believe that the continuation of the war would, to use the words of the right hon. Baronet, have been fraught with danger to the future tranquillity and safety of Her Majesty's Dominions in South Africa, and have failed to provide for the fulfilment of the obligations contracted by this country towards the European settlers and Native population of the Transvaal. I contend that we are now in a better position to help the White population than we should have been by adhering to a mistaken policy. Let me endeavour to state clearly and concisely the issue before the House. The late Government annexed the Transvaal under what has been now admitted by their own Agents to have been a mistaken notion—that the majority of the inhabitants of the Transvaal were favourably disposed to annexation or acquiescent. The present Government did not reverse that decision when they came into power, because they were informed by the Agents who were appointed by the late Government—Sir Owen Lanyon and Sir Bartle Frere—that if they reversed the policy of their Predecessors such reversal would lead to civil war, and put an end to the prospect of Confederation. But the Government are accused of continuing that policy when they were convinced that it was wrong until the reverses of Sir George Colley, and that then they yielded to fear that which they had refused to justice. I think I can show conclusively, from Papers which were in the hands of the right hon. Baronet when he made

this unfounded accusation, that as soon as the present Government were convinced that the annexation was wrong, and before the reverses to Sir George Colley occurred, they had offered to negotiate on the very terms on which the peace has been finally concluded. I hope still further to convince the House—or, at least, those who I hope are a small minority who are not already convinced—that the Government have promoted the honour and the interests alike of England and South Africa by the course they had taken. I shall first deal with the attacks on Her Majesty's Government, which have taken the ground that, even assuming that the original annexation of the Transvaal was a mistake, and that justice and expediency required a return to the principle of the Sand River Treaty, the Government ought to have taken that course before and not after Sir George Colley's repulses. Of course, it is notorious that a large portion of the Liberal Party did think that when Her Majesty's Government came into Office they should at once, both in India and Africa, have given effect to the decision pronounced by the nation at the General Election on the policy of the late Government by reversing that policy, and at once recalling all those of its Agents who had shown a disposition to strain their instructions in the way of aggression. The right hon. Baronet is not, of course, primarily to blame in this matter. He was suddenly called from duties which he was discharging with credit to himself and usefulness to Ireland to preside over the Colonial Office, with the complications in South Africa, and a number of dangerous Agents as an inheritance from his Predecessor; and, in these circumstances, the House would naturally have been disposed to sympathize with him, and would not have dealt harshly with any mistakes he might make. As, however, the original blunder arose with the right hon. Baronet's Party, and the mistake into which the present Government for a time fell was the consequence of the incorrect, misleading information sent them by men who were appointed by the late Government, I think the House will consider that it is not reasonable for one who has borne so conspicuous, though, perhaps, unwilling, a part in these blunders to attempt to damage the Government by reckless

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statements out-of-doors, or by a Resolution such as that which is now before the House. Her Majesty's Government have now seen that the policy of their Predecessors was a mistake, and have courageously done their best to retrieve it. The Liberal Party—and I venture to say the country also—will support them. They certainly will not join the right hon. Baronet in a Motion which, though it professes to deplore the loss of valuable lives, Parliament would have heard little of had the Government gone on to sacrifice more of such valuable lives, in the maintenance of a policy at once unwise, unjust, and admitted to have been undertaken upon erroneous information. The annexation took place under a Commission, the terms of which, I say with regret, discredit the prudence and foresight of Lord Carnarvon, a Nobleman who hitherto has borne a high character for prudence and moderation. Under that Commission the Proclamation of Annexation was only to be issued if Sir Theophilus Shepstone was satisfied that the inhabitants of the Transvaal, "or a sufficient number of them, or the Legislature thereof," desired to become the subjects of Her Majesty. And surely the use of such an expression as "a sufficient number of them" is altogether too loose and indefinite to find a place in such a document. If Sir Theophilus Shepstone could not have satisfied himself that the inhabitants of the Transvaal generally or the Legislature thereof were consenting parties, it ought surely to have been made clear by the Commission that a majority of the inhabitants were favourable thereto before we overrode a solemn Treaty, very recently made, by which we bound ourselves for the future not to interfere with the Government of the Boers, not to encroach on territory North of the Vaal, and not to ally ourselves with the coloured nation to the North of that river. Had Lord Carnarvon's character not stood so high as it did, it would have been impossible to escape the suspicion that the terms of the Commission were purposely vague in order to induce the Commissioner, as in another notorious case, "to find, or, if need be, to create, an opportunity" for a display of spirited foreign policy, leading up to the annexation of territory, in violation of the distinct terms of a Treaty. I think the author of that Commission might

have shown a little more moderation and reserve than was exhibited in the noble Lord's bitter speech at Burton-on-Trent on the 7th of June. In the Spring of last year the present Government came into power, and amid the other serious complications they had inherited, they received a despatch from Sir Bartle Frere, dated the 27th of April, asking whether any alteration was contemplated in the retention of the Transvaal, to which they naturally replied that the matter required careful consideration. They were, however, not to be allowed time for consideration, for, on the 3rd of May, Sir Bartle Frere telegraphed again—that the report of the intention to give up the Transvaal had created great excitement, and that the result of abandonment would be fatal to Confederation, and would possibly entail civil war in the Transvaal. Sir Garnet Wolseley, on the 2nd of March, had reported a growing desire among the Boers in the Transvaal for a conclusion of the agitation against the British Government; and, in short, the Government received, and continued to receive, from all the various Agents whom they had inherited from the late Government, representations making it appear that it would be far more difficult and dangerous to retrace their steps than to maintain annexation. I venture to think that everyone reading the despatches, not only from the Transvaal, but also from India, must see that the curse of political blindness seems to have affected all the Agents of the aggressive policy of the late Government. Sir Owen Lanyon, writing even as late as the 19th of last November, thought that at least three-fourths of the White population of the Transvaal were secretly in favour of annexation. Though the Government were all agreed that the original annexation was a mistake and ought never to have been made, yet, acting on these representations, they decided not to recommend the relinquishment of the sovereignty of the Queen, but assure the Boers that they would take the earliest opportunity of granting them the freest and most complete legal institutions. But within a few days of the last of these assurances the general and determined rising of the Boers of the Transvaal in arms showed the utter fallacy of the representations by which two successive Governments had been misled. But

the most serious accusation brought against the Government I understand to be that, having been thus misled, they neglected to negotiate until they were frightened into arrangements with the Boers by the reverses of Sir George Colley. I am glad the accusation is so clear, because I shall show conclusively that the Government were very anxious to negotiate as soon as they were convinced that the majority of the Boers were opposed to annexation, and before any of the serious military reverses to which I have referred took place; and I venture to think this House will agree with me that if the Government were right in entering into these negotiations before any reverses took place, it would be the height of folly and injustice to abandon those negotiations when we knew the Boers were prepared to accept the terms which we, before the reverses, were prepared to give, simply because small detachments had been defeated in operations in which they were the aggressors. I am sure that all who have read the despatches will have seen that the Government were, before those reverses, prepared to negotiate on the very basis on which the actual settlement was made, while they sent out an overwhelming force with a view to making such negotiations easier. It was obvious that reverses made it much more difficult for the Government to continue these negotiations. To assert, then, that the negotiations which led to peace are the result of the repeated repulses sustained by our arms under the gallant but unfortunate Sir George Colley is the reverse of the truth; and I think the House will feel that those who have brought forward such a serious but groundless charge against the Government of the Queen are entitled to little credit either for their love of fair play or that patriotism a monopoly of which they so persistently claim. What, I would ask, are the dates upon which the proof of what I assert rests? I beg to call the attention of the House particularly to these dates. The earliest of these reverses, that at Laing's Nek, took place on the 28th of January; but as early as the 10th and the 11th of January Her Majesty's Government informed both President Brand and Sir George Strahan that "if the Boers would desist from armed opposition to the Queen's Government, Her Majesty's Government did

not despair of being able to make a satisfactory arrangement." The right hon. Baronet distinctly stated just now that the Government had refused to send out a Commissioner, or to agree to the appointment of a Commissioner, until the reverses of Sir George Colley—[Sir MICHAEL HICKS-BEACH: No, no!] I certainly understood him to say that. I think the House so understood him, too.

SIR MICHAEL HICKS-BEACH: Let me explain. I referred to a reply of Lord Kimberley to the proposal of Mr. Merriman that a Commission should be sent to the Transvaal, and I said that Lord Kimberley said the proposal was inopportune; and I asked why, if it was inopportune before, it was not inopportune after our troops had been defeated?

MR. RATHBONE: I listened carefully to that point, because the right hon. Baronet had dealt with it previously, and I certainly understood him to say that we refused to send out a Commissioner until after the reverses. But 10 days before the first of these reverses the Colonial Secretary suggested to President Brand whether a settlement might not be brought about by the appointment of a Commissioner. On the 29th of January Sir Hercules Robinson wrote that President Brand

"Is much pleased with the answer, and that he suggests that the Transvaal people should be informed of it forthwith before the satisfactory arrangements you contemplate are made more difficult by further collision."

Sir Hercules Robinson had suggested that President Brand should give immediate and widespread publicity to his messages and to the replies of Her Majesty's Government. Sir George Colley was informed of these negotiations, and on the 14th of February he advised the Government that he had received overtures from Kruger wishing to stop bloodshed, but offering terms which were not acceptable; and the Secretary of State replied on the 16th of February—

"I have received your telegram of the 14th inst. Inform Kruger that if the Boers will desist from armed opposition we shall be quite ready to appoint Commissioners, with extensive powers, who may develop the scheme referred to in my telegram to you of the 8th inst. Add that if this proposal is accepted you are authorized to agree to a suspension of hostilities."

In other words, 13 days before Sir George Colley's defeat and death, and in answer to an overture from the

Boers, he repeated the proposal made originally by Her Majesty's Government, which was substantially the foundation on which peace was finally concluded. Has not the Government, therefore, a right to be indignant when, both in the other House and in extra-Parliamentary utterances during the Recess, right hon. Members opposite had endeavoured to show that in making peace the Government has been actuated, not by the idea that England is so great that she can afford to confess her mistake, but by the fear engendered by these reverses? It is a remarkable thing that, although foreign countries are generally so ready to criticize the action of this country, not a single newspaper in Europe has found fault with the conduct of England in reference to our conduct in making peace with the Boers; while, on the contrary, all have recognized the justice of our action. The right hon. Baronet opposite made a speech at Cheltenham on the 8th of June, in which he said, referring to the present Government—

"When these men came into Office, and having, as Mr. Chamberlain said, considered the subject in all its bearings, they decided, as their Predecessors decided—and for reasons that might have been copied from my own despatches—that it was necessary that the Queen's sovereignty should be maintained, and they adhered to that view for some months—until something happened—until they discovered that the Boers could fight and shoot, then doubts began to afflict their tender consciences. They thought of blood-guiltiness, which had never occurred to them before. They thought of injustice, which they did not dream of last summer; and they sent out orders that terms should be made with the Boers after we had suffered three defeats. No more disgraceful surrender had ever been made."

That speech was made by the right hon. Baronet on the 9th of June, while the Papers I have quoted from had been issued in March. The last of them was in the hands of hon. Members on the 24th of March—that is, two and a-half months before that speech was made. I must ask the question, therefore—Had the right hon. Baronet ever read those Papers before he delivered that speech? The speech was delivered by one who has been a responsible Minister of the Crown, and by one who has given Notice of his intention to bring the conduct of Her Majesty's Government in relation to the Transvaal under the notice of Parliament. I ask, will the right hon.

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Baronet now stand by the words he had then uttered?

SIR MICHAEL HICKS-BEACH: I will stand by every word of them.

MR. RATHBONE: All I can say is this—that in that case inaccuracy of statement has, to use the words in its French sense, so demoralized the right hon. Baronet that he is incapable of realizing the logic of facts and of dates. These words assert, as clear as any words in the English language can assert, that the English Government had not intended to negotiate until they were three times defeated; and I have shown that previous to those defeats those negotiations were begun, and that they were so far advanced that actually the very basis of them was settled, and that the Boers had practically agreed to them. There is one kind of courage that might have led us to urge on our troops to crush a mere handful of Boers by an overwhelming force; but the courage that is necessary to meet slander and unpopularity at home, by retrieving an error, is, to my mind, another and a higher and much nobler quality. Does not the right hon. Baronet know that these repulses increased enormously the difficulty of concluding the negotiations for peace, and that nothing but the highest sense of duty, courage, and that aversion to blood-guiltiness, at which he unworthily sneered, could have strengthened the Government to continue the negotiations which, as I have proved to the House, were already substantially advanced? The House will feel with me that it is to such unfounded aspersions of the motives of the Government of his country, and not to the conduct of the Government, that the word “disgraceful” will be more appropriately applied. The absurdity of the attempt to attribute the continuance of these negotiations to any question in the mind of the Government as to the result of the conflict is disposed of by the mere statement of the forces at Sir Evelyn Wood’s disposal when he concluded the Treaty with the Boers. Sir Evelyn Wood knew, and the Government knew, that he would soon be at the head of about 10,000 trained soldiers, including four regiments of Cavalry and considerable Artillery—an arm of which the Boers were entirely destitute, and which they held in considerable alarm, while further regiments were under orders for the Transvaal. No kind of doubt can exist

in the mind of any reasonable person that, with this overwhelming force, Sir Evelyn Wood could have completely crushed the Boers. But, in doing so, we should, with our eyes open, have been inflicting an additional injustice on those whom we had already, under a misapprehension, wronged by the original annexation; and this injustice we should have inflicted for no nobler end than to assert our military prowess by crushing a people whose whole population capable of bearing arms did not equal in number the trained forces with which we should have defeated them. Did hon. Gentlemen opposite really believe that Her Majesty’s Government, wielding the enormous forces of this great and populous country, retreated in fear before a country whose whole White population—men, women, and children—did not equal that of Cheltenham, the watering-place which the right hon. Baronet chose for his Whitsuntide address? What, Sir, is the proud position of England worth if, in order to maintain her military prestige, it is necessary, as these patriots assert, to consummate an act of injustice by vanquishing in such unequal contest a people thus inferior to ourselves in military resources? I, for one, heartily rejoice that we have now a Government which has shown a true sense of the greatness of England and of the conditions on which that greatness rests. I heartily rejoice that this country is great enough to be able to retrieve a wrong. Sir, we heard some months ago predictions, on high Conservative authority, of the unwillingness and incapacity of the leaders of the Boers to carry out the terms of the Treaty. I trust, Sir, that those prophets of evil are now patriotic enough to rejoice at the signal manner in which their predictions have been belied. Potchefstroom has been replaced in the hands of our troops. What is it that they were supposed to be able to give up that they have not given up? The murderers of Elliott have been given up to justice and placed in our hands for justice; and, let me ask, is it only in the Transvaal that sometimes a jury cannot be found to convict? I do not know. I am not prepared to judge whether the jury were right in the conclusion they came to, or were wrong; but I do say this. It was stated that they would never be able to give up those very men, the murderers



of Elliott, to justice. Those whom we designated as the murderers of Elliott have been given up to justice. Well, Sir, I think we have a right to ask these prophetic statesmen what would have been their alternative policy and its probable consequences. I suppose that we may, without hesitation, assume that their policy would have been to continue the war until the rebellion was stamped out in blood and the Boers had sued for peace. ["Hear, hear!"] Hon. Gentlemen say "Hear, hear!" And what would have been the result of such a victory? Is it one that statesmen would willingly face? We should have had in the Transvaal a population more alienated than Ireland even was two centuries ago; we should have had that population in a wilderness thousands of miles further off; we should have had to maintain an enormous army at the cost of the blood and treasure of this country, in order to meet all the complications which would have accompanied it on its widely extended Frontier; and last, and worst of all, we should have had a blood feud with the race who constituted the vast majority of the settlers in our own Dominions in South Africa, who were two to one of those of British extraction. Would not that be an operation fraught with danger to South Africa? And, Sir, I think it would have been a great disgrace to this country to burden herself with such liabilities, with such impossible taxes, and with such a drain upon her resources as this merely to give the temporary appearance of success—for it would have been no more—to one of the blunders of the Conservative Government. But, Sir, I venture to think that a question far more important to this House and to this country to consider than what shall be the precise blame attaching to the Government is, what ought to be our policy in South Africa, and whether the act we have decided upon is in conformity with justice. Now, I venture to think that no more important question has ever been offered to the deliberations of this House—for it is no less a question than this: whether we shall best consult the honour and the interest of this country, and of the vast millions over whom we hold sway, by constantly seeking to increase our limits and increase our responsibilities, or by concentrating our energies in worthily fulfilling the vast responsibilities already undertaken. That is the question which

is involved in this issue. Now, Sir, we have in this case not merely the dictates of wisdom and statesmanship, but the simple results of experience to guide us, for it is one of the strange and unfortunate features of the policy of the late Government that every aggression and blunder they made was the almost slavish repetition of some blunder committed by Liberal and Conservative Administrations in the past. The mistakes of Lord Auckland in Afghanistan were repeated almost on the same lines by Lord Lytton; and the blunder of Sir Harry Smith in South Africa was repeated by Lord Carnarvon when he annexed the Transvaal. The repetition of this mistake is all the more remarkable if the late Government were aware—and they certainly ought to have known it—that this policy of interference with the Boers had been initiated by the late Lord Derby in 1833; it had been given 18 years' trial, and then Lord Derby had been wise and prudent enough to put an end to it by the Sand River Convention—the very Treaty which the late Government violated when they annexed the Transvaal. Lord Derby, in 1852, thought that it was best to limit our undertakings in South Africa, and engaged not to interfere with the Boers and the Natives in their own territory, or beyond their own territory. Anyone who really wishes to know what has been our policy would do well to read a most remarkable pamphlet which was written by Sir William Molesworth in 1854, and reprinted last year by permission of Lady Molesworth. It is called, "Materials for a speech in defence of the policy of abandoning the Orange River Territory." In that pamphlet he describes most graphically the nature of the country of South Africa, its various races of inhabitants, and the determination of the Boers to escape from our rule. He describes also how, after repeated promises that we would let them alone in the new territory, we followed them from the Cape to Natal, from Natal to the Orange River Territory, and, last of all, to the district beyond the Vaal. The writer says—

"We had hunted the Boer for 18 years, for it was in 1833 that Lord Derby first unkenelled the Boer on the Eastern Frontier of the Colony of the Cape of Good Hope. Since then we had followed him at a break-neck pace—Lord Derby and Lord Grey leading for many a hundred mile up the steep mountains and over the rugged karroo; across the deep kloofs, the broad rivers,

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and the wide plains of South Africa. Still, in 1851, the Boer was many hundred miles ahead of us; and, if we were to continue the chase as Lord Derby proposed, we should have to follow him to the Equator, and probably earth him in the Mountains of the Moon; for the events which I have narrated prove the Boer to be staunch and determined not to be caught."

The remainder of this most remarkable pamphlet is devoted to show the wisdom of our withdrawing from the Orange River Territory; and how remarkably has the wisdom of that advice been justified. The Orange River Territory is now the most prosperous inland State in South Africa; and it was from the President of the Orange Free State that we received the first intimation of approaching danger, and the most friendly assistance in bringing the war to a termination. Under these circumstances, I would ask, may we not, guided by that experience, accept the promises of the Boers, when they say—"Your Majesty cannot desire no rule over unwilling subjects; unwilling subjects, but faithful neighbours will we be." The character of these Boers cannot but be considered as a factor by any statesman in deciding the question as to what ought to be our duty. We have heard the description of the righthon. Gentleman who recorded this Motion; but I think a reliable witness is to be found in Sir Bartle Frere, who, when himself opposing these very Boers, gave a good account of their social qualities. Sir Harry Smith also gives a most touching account of them, though he does not seem to have been guided by his own experience of the sufferings which he saw these men endure rather than remain under our rule. I would ask any sensible man whether these men are not much more likely to be guided by us by our showing to them respect for Treaties, by good example, by doing right yourselves, not by doing wrong and then expecting to force them to do right? That is my idea. I believe there is something besides force. Well, now, there is the question of slavery. We have had certain evidence on that subject; but I will also call evidence which I think the House will receive with undoubted faith, because it comes from a man who has spent all his life, and has all his life suffered because of his constant and unwearying advocacy of the rights of the slave; and who may, I think, be regarded as a better authority than the accusation brought forward by

interested contractors and land-jobbers. Bishop Colenso, in a letter quoted in *The Times* of the 27th of June, says—

"I have been in constant correspondence with Mr. Chesson, Secretary of the Aborigines' Protection Society, and others, and done what I could to dissipate the charge of slave-holding, or, rather, slave-making, which, whatever ground there may have been for it in the past, ought not to be brought against the present generation. Rather I have urged that the simple fact"—

I regret that there is no Member on the Front Opposition Bench to hear this; but they rather object to facts—

"the simple fact that 800,000 Natives were living under the Boer Government without taking to flight and running over to Natal for protection is enough to show that the accusation against the Boers of ill-treating the Natives under their rule must be grossly exaggerated, and that, to all appearance, they even prefer the Boer rule to our own."

And *The Times* Correspondent pointed out most justly how little opportunity the Boers have had of telling their own story against the misrepresentations to which they have been exposed. Now, we have some evidence about this slave trading. A man who confessed himself to be a German slaveholder has been paraded before the British public as an authority on the subject; and by whom? By Lord Salisbury. We remember Lord Salisbury as Lord Robert Cecil, a man who was a perfect genius for getting his own country or somebody else's into some inconceivable scrape or other. We remember that if his dangerous counsels had not been controlled by the greater wisdom and statesmanship of Lord Beaconsfield he would have plunged this country into a war with America in support of slavery. And, Sir, I venture to say that the House and this country will prefer to trust to that Government which contains in its Members men who have, during a life-long struggle, been ever the protectors of the Native and of the slave, than they will leave it to that man who, if his wild counsels had prevailed, would have plunged this country into war with America on the side of slavery. I have no wish to overstate the case in this matter. I am afraid we must admit that not only the Boers, but our own Colonists, have not been free from compulsory labour which comes far too near slavery for Englishmen to like it. But would it not be better to take the beam out of our own eye before we attempt to take the mote out of our neighbour's

eye? In 1879 we had an official list made out of 99 Native men, women, and children indentured to forced servitude under the English flag. It has never been shown that the indenture system in the Cape Colony is not analogous to the system which existed among the Boers. In the following year Mr. Ches-son complained that several thousands of Kaffirs had been indentured under circumstances painfully reminding us of the practices to which we object. And I do not think we could be much surprised at that, when we found Mr. Sprigg, the Prime Minister of the Cape Colony, on the 21st of May, 1879, advocating that "every year a number of youths should be brought down from the Frontier and placed in compulsory service in the Western districts." Well, I am perfectly well aware that Mr. Sprigg has attempted to explain this away, and has said that it was his intention that these young people should not be taken unless they were willing to go, and had the consent of their parents. I do not think that his words exactly bear that interpretation; and, moreover, I do not think that was the interpretation Mr. Sprigg meant them to bear at the time they were uttered, as he said he expected that they would be attacked in England on the ground that they purposed slavery. Now, I would merely ask the House to consider this—does not our experience with the Transvaal confirm the warnings of our wisest statesmen of the immense danger of increasing the liabilities and engagements which this country already has? We have already undertaken a greater task, a wider empire, and a more difficult responsibility than have ever been successfully performed by any Empire that has preceded us; and I venture to think that there is no one who has followed with interest the course of our rule, whether in India or South Africa—whether as regards the internal development of our rule in those countries or our Border policy—but must have been struck by the constant and increasing difficulty of worthily performing the responsibility which has fallen upon us. Why, the Prime Minister, only the other day, pointed out how that difficulty had been increased by what one might have supposed would have lessened it. He pointed out how the telegraph had thrown overwork upon the House and overwork upon the Executive; how ques-

tions which formerly were decided in the most distant possessions on the spot are now thrown upon us to be decided by the Government, who have only the very imperfect and insufficient information which the telegraph can give them upon which to form their opinions. Well, Sir, I have only one point more to which I would allude very shortly; but I think it is one which our statesmen ought to consider—our statesmen have now to lead and to represent a Democracy. Now, a Democracy will fight and will endure to almost any extent for any cause which they clearly see involves a great principle of liberty and of justice. We had ample proof of that in the taxation and sacrifices endured by the American Democracy in the Civil War. We had still more impressive proof of it in the sufferings and endurance for three weary years by our own artisans, when they positively refused all inducements to accept relief for their own misery by any act which should in any way forward or support the cause of slavery. But what is it Democracy will not do? It will not burden its labour and stain its hands with blood to defend the consistency of a Ministry, or in order, at a heavy and prolonged cost, to give the sanction of success to a mistaken and unrighteous policy; it will not support a war for prestige, disassociated from justice; and it will not support a war of aggression. Lord Cairns, speaking in "another place," seemed to have a glimpse of this. Depend upon it, the educated part of the working classes will not bear you out in wars like those in Afghanistan and the Transvaal. I am sure that anyone who has watched with interest the declarations of the more intelligent of the working classes throughout Europe of late must have seen the growing disinclination, or, I would rather say, detestation, of wars of aggression. Well, Sir, I am afraid I have detained the House rather long. It seems to me that this is a most important question that we have to decide to-night. I hope I have shown the incorrectness, to use no stronger term, of the accusations that have been brought against the Government. I have shown the justice and the nobility of the actions they have undertaken; and, Sir, I rejoice that the action of the Government this night, and the vote which I believe the House will give on that action to-night, will prove

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to the world that we are determined that the foundations of this great Empire shall not rest on force alone, but on the rock of the eternal principles of justice and of right, and shall, therefore, stand whatever storms from without or trouble from within may beat against them; that we are determined to control the actions of our pro-consuls on the border parts of our Empire; and that we are determined not to follow the examples of the great Empires that have preceded us—not to imitate their false pride and their aggressiveness, and not to share their fate. We will seek rather the glory and the happiness of fulfilling worthily and nobly the duties already our own, than yield to the poor, wretched, reckless ambition of trying further to extend them; and then, Sir, we may rest with perfect reliance on those noble words, "In quietness and in confidence shall be your strength." I have great pleasure in moving the Amendment that stands in my name.

MR. H. H. FOWLER: I rise, Sir, to second the Amendment which has just been moved by my hon. Friend (Mr. Rathbone). It is impossible to sever this question from the policy of the annexation of the Transvaal. If that was an annexation which ought to have been made, then it was the duty of the Government to have continued the Transvaal as a portion of the British Empire. But I think that, before we can pronounce an opinion in that way, we must ask ourselves whether this annexation was just and right; and if we think that the annexation was wrong, we are bound, in justice to the Opposition, and in defence also of our own views, to state the reason why the Government adhered to the policy of annexation for the first eight or nine months after they came into Office, and then we have to ask ourselves whether they are now justified in abandoning it altogether. It appears to me that one important element in considering this question which deserves serious attention is—What is the position of South Africa? It is not an English Colony in the sense that Australia and New Zealand are English Colonies, arising out of the Imperial protection and authority by virtue of which those Colonies were founded. There does not exist that mutual tie to this country with respect to South Africa that exists with English Colo-

nies, either Australian or New Zealand. South Africa has been a conquered Colony, but it was not a Colony founded by us; and we must, in dealing with the South African Question, recognize that. We have heard to night a line of argument adduced on the basis that South Africa as legitimately belongs to us as does Ireland or Scotland. South Africa was colonized by the Dutch upwards of 200 years ago. We never conquered South Africa until 1766, and then we had to give it up again to the Dutch, and re-conquered it in the year 1806. You have a great number of White people in South Africa who do not belong to the ruling race, and you have a small minority, who, themselves, form the ruling power. Now, the Dutch have invariably resisted our rule in South Africa, and my hon. Friend who has just sat down (Mr. Rathbone) has told us how the English have driven the Dutch from point to point as they founded their independent States in order to be free from us. On the last occasion, they went beyond the River Vaal, they colonized the country beyond the River Vaal, and they hold it by as complete a right as we hold New Zealand or Australia. In 1848 they formulated their Government, they formed their State; and in 1852, by the Sand River Convention, the English Government recognized their independence, and from 1852 to 1877 they retained their independence. Representations were made to Lord Carnarvon to induce him, in 1877, to authorize Sir Theophilus Shepstone to carry out the annexation; but that annexation was sanctioned only on one condition by the late Government—namely, that the majority of the people desired it. The late Government conscientiously believed that the majority of the people in the Transvaal desired to be placed under British rule; and I think that the noble Lord the Secretary of State for India (the Marquess of Hartington) very accurately described matters to this House when he said, in February, 1880—

"The annexation of the Transvaal was a measure adopted by the Government and sanctioned by the House, under wrong impressions and under incorrect information."—[3 *Hansard*, ccl. 92.]

Now, the right hon. Baronet opposite (Sir Michael Hicks-Beach) to-night said that the people of the Trans-

vaal accepted it. According to the Papers which have been presented to Parliament on the subject, I think it is shown that the people did everything they could do in order to express their dissent from it. They protested against it, and they stated that it had been done by force of arms alone. They sent in 1878 a deputation to England to represent the state of matters to the Government; and Lord Carnarvon informed them that he was under the impression that a majority of the inhabitants were in favour of the annexation. Immediately on their return they called a meeting of the population, and that resulted in a Memorial being signed against the annexation by 6,591 out of 8,000 people capable of voting on the question. Another deputation was sent over to the right hon. Gentleman opposite, in 1879, and they tried to convince him, and they failed. Sir Bartle Frere then went out, and he, along with Sir Garnet Wolseley, attempted to convince the Boers of the wisdom of the annexation, but failed. The Boers then bound themselves by a solemn agreement that they would never desist from action until they had achieved the independence of their country, and it is impossible to find a more determined resistance to the annexation—a determination at the first possible moment to regain the independence of which they were deprived than was shown on that occasion. The Leaders of the Liberal Party have been blamed for expressing sympathy with the Boers; but those Leaders would have been false to their whole public life if they had not declared that the Boers who claimed the independence which had been taken from them under false pretences were not entitled to have it back again on fair and proper terms. I am not going to defend the course pursued by the Government when they came into power. They were misled down to October or November, when Sir George Colley reported that the taxes were paid everywhere, and that everything was going on satisfactorily. Although I give all credit to the Government for having done what they thought right, it would have been better if they had recalled Sir Bartle Frere when they first came into Office, and adopted the policy which the right hon. Gentleman the President of the Board of Trade (Mr. Chamberlain) indicated at Birmingham—namely, re-

versed the annexation of the Transvaal. But the fact remains the same, that both Governments were misled. One was misled with regard to annexation, and the other with respect to public opinion in the Transvaal. In the same way that the war was precipitated in America 100 years ago, the forcible collection of taxes raised the spirit of the Boers. I am not going into all the various facts with regard to the policy of the Government since the war broke out. The right hon. Baronet in his speech did not repeat what had been said in “another place” by a certain noble Lord who had great influence with his Party, that peace was dictated to the Government by the victorious Boers, and that the terms assented to by the Government were not accepted until after the defeat of the English Forces. I will trouble the House with reference to a point on which so much stress has been laid in this country—that after the battle of Majuba the terms of the settlement were proposed by the British Government in consequence of that defeat. My hon. Friend (Mr. Rathbone) showed very clearly that, in January, the Government had intimated their readiness to come to terms. As a matter of fact, the Earl of Kimberley, on the 14th of January, stated the Government would consider the appointment of a Commission. On the 13th February Mr. Kruger wrote to General Colley, offering terms of suspension of hostilities. General Colley telegraphed those terms to London; he received back from London an answer to accept those terms, and negotiate on that basis. He applied again for further information, and he received further suggestions. The telegrams occupied, backwards and forwards, from the 13th to the 21st of February, and on the 21st General Colley wrote to Mr. Kruger, stating the terms which the British Government would accept in case they desisted from hostilities. That letter specified 48 hours for a reply, and if the reply was not received, the English Forces would march. Owing to the state of the roads that letter did not reach Heidelberg until the 25th. It was opened by one of the Boer leaders, who wrote back stating that Mr. Kruger was away, and that he would not be back for four days; but, on the 26th, unfortunately, the assault on Majuba commenced, and on the 27th the defeat of

the British Forces took place. At that moment—on the day of the defeat—the very terms which the British Government afterwards accepted, had been laid down by them in black and white, and were in the possession of the Boer leaders. I, therefore, say that for any man, no matter what his position may be, to assert that the terms which resulted in the present Treaty of Peace, and which the Government dictated, were wrung from them on the morrow of the defeat, is to make an assertion totally devoid of the slightest foundation. Will any man say that, under these circumstances, the Government could have retreated; or on any principle of civilized or uncivilized warfare that, having offered terms of peace, and while under consideration, you yourselves being the aggressor, because you sustained a defeat, you would have been justified in withdrawing and refusing the terms, and continuing the war for the purpose of avenging the defeat and shedding more blood? The Government must have done one of two things—either have gone on with the war and obtained a victory, and concluded a peace, on the terms now accepted, or—and these terms are the only alternative—retained the whole of the annexed territory. Which would have been right? Would it have been right to go on with the war simply for the sake of winning a victory, or would it have been wise to attempt to conquer and hold a country as large as France, with a hostile population, and in the midst of all those difficulties which the right hon. Baronet described, all of which were strong arguments against the annexation. What would have been the result? The Government would have encountered the permanent hostility of the people, and there would be a constant drain on the English Exchequer to maintain an Army in the conquered territory. Does anybody believe that a policy of that kind would have survived a single election in this country? After having shed seas of blood, and squandered millions of treasure, I doubt if the Government could make a more satisfactory peace than the one they have made, or done more than secure the suzerainty of the Queen, the control of the foreign relations of the Boer Republic, and the protection of the Natives. I think the Government were justified on the grounds of policy alone. But

there are higher grounds. I know it is the fashion now-a-days to sneer at higher grounds being imported into affairs of State. We have got a new standard of morality, which applies a different scale to the individual acting by himself and in the mass. I demur to the correctness of that principle. I do not believe that the guilt of any wrong-doing is minimized by the number responsible for it. I believe that the Sixth or Eighth Commandment can be as flagrantly violated by a Government, by a Parliament, or a nation, as by a single individual. I know that the noble Marquess (the Marquess of Salisbury), who has been alluded to to-night, has thrown on this proposition all the scorn of his cynical eloquence, and has characterized this international morality as one of the delicacies of modern civilization. I do not think anybody will charge him with having yielded to any of that delicacy. I prefer the ethics and the statesmanship of Edmund Burke to the ethics and the statesmanship of Lord Salisbury. Burke has said that “the principles of true politics are those of morality enlarged.” That sentence is as true to-day in the plains of South Africa as in this House—for whatever is morally wrong can never be politically right. I will go further, and say that whatever is morally right can never be politically wrong; and I believe that the conduct of Her Majesty's Government is not only right in principle and right in policy, but emphatically morally right. I know they could have purchased a cheap and fluctuating popularity by yielding to the impulse of resentment which an unexpected defeat always arouses, they could have avenged that sad slaughter by a terrible retribution, and added another sanguinary chapter to the history of our South African conquests. I think they have achieved a wiser, a braver, and a nobler result. They have had the courage to subordinate pride, and power, and prestige to the difficult, and sometimes unpleasant, duty of undoing a great wrong; and in accomplishing that they have surrounded the Imperial rule in South Africa with a strength, a dignity, and a Christian character far surpassing anything they could have attained by the most glorious victory or the most brilliant campaign.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words

"this House, believing that the continuance of the War with the Transvaal Boers would not have advanced the honour or the interests of this Country, approves the steps taken by Her Majesty's Government to bring about a peaceful settlement, and feels confident that every care will be taken to guard the interests of the natives, to provide for the full liberty and equal treatment of the entire white population, and to promote harmony and good will among the various races in South Africa,"—(*Mr. Rathbone*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR HENRY HOLLAND said, that he did not like to give a silent vote on this occasion, as he had paid the closest attention to the difficult question now before the House, and as he had had much to do with the affairs of South Africa when he was at the Colonial Office. It appeared to him that there were three important stages in our dealings with the Transvaal. The first stage was the annexation of that territory by the late Government; the second was the continuance of the policy of the late Government by Her Majesty's present Government upon their accession to Office; and the third stage was the restoration of the Transvaal to the Boers. Now, as regarded the first stage, he held that Lord Carnarvon could not have acted otherwise than he did upon the information he received. It had been said, both in that House and out of it, that the annexation of the Transvaal was only a part of the Imperial policy of the late Government. Nothing could be more contrary to the facts of the case, and he (Sir Henry Holland) would cite in support of this denial the very frank and fair speech of Lord Kimberley in a recent debate in the House of Lords. That noble Lord said that he admitted that

"The late Government, in annexing the Transvaal, were not for one moment actuated simply by a desire to extend the Queen's Dominions. The motives for that step were not motives of which the country need be ashamed."

He (Sir Henry Holland) begged the House to remember that these words were spoken by a Secretary of State for the Colonies, than whom no one was more competent to form an opinion upon the point; and he trusted, therefore, that they would hear no more of this charge against the late Government. He might

add that no one was more reluctant to increase our responsibilities in South Africa than Lord Carnarvon. Having been twice Colonial Minister, he knew well the gravity of those responsibilities, and his reluctance to act was shown both in his despatches to the Cape, in his speeches in the House of Lords, and, he (Sir Henry Holland) might add, in his private conversations. Nor must it be forgotten that the necessity of annexation under the circumstances was fully recognized by eminent Liberal statesmen, who had paid special attention to Colonial matters. He (Sir Henry Holland) desired to say here a few words in defence of one who had been made the scapegoat in this business. They were all too anxious when in difficulties to look about for a scapegoat upon whose shoulders they could lay the blame, and in the present case Sir Theophilus Shepstone had been made the scapegoat. Now, it was not clear that the feeling of the inhabitants generally, when he reported, was against annexation. The country was in a state of distraction and complete ruin. There was a great alarm of the Natives; there was a very feeble Government, to which the principal Boers were, as President Burgers sadly admitted, very disloyal. The Boers might not, perhaps, have desired or contemplated a permanent annexation and loss of independence, but they certainly desired in many quarters to have British protection. At all events, Sir Theophilus Shepstone might well have been deceived; and small blame, if any, could be attached to him for error of judgment, seeing that he was able to effect this change without any riot or disturbance, although he had only a force of 25 policemen with him; and that he had received addresses and prayers for help from the respectable and peaceful inhabitants of the principal places in the Transvaal. It certainly was most unfair to judge of the feeling then by the feeling now shown. Could they be surprised if, after peace and prosperity had been restored under British government, and all fear of invasion removed, many Boers who might have throughout regretted their loss of independence, were readily excited and roused by the violent language of a few leaders? These leaders desired the power and office which they might have had, or hoped to have, but for the annexation, and

they had strained every nerve to excite the people. But he (Sir Henry Holland) ventured to doubt whether they would have succeeded had they not been able to point to the language of the Prime Minister, of the Under Secretary of State for the Home Department, and other leading Radicals, and to hold out hopes that a change in the Government at home would lead at once to a change of policy in the Transvaal. He (Sir Henry Holland) had heard with surprise a denial that the language of the Prime Minister before he came into Office had had any effect in the Transvaal. He would point, in reply, to the speech just delivered by the hon. Member for Carnarvonshire, and to the speeches in that House of the hon. Member for Liskeard (Mr. Courtney) before he took Office. That hon. Member made it clear beyond doubt that the speeches of the Prime Minister had a very exciting effect in the Transvaal and at the Cape. He would further ask why, if great hopes were not entertained of a change of policy and restoration of independence upon the accession to Office of Her Majesty's present Government, it was found necessary not only at once to decide to adhere to the annexation, but also to telegraph out at once that decision to Pretoria? He now came to the second stage of this subject—namely, the policy pursued by Her Majesty's present Government when they came into power. He believed that their decision to retain the Transvaal was approved by the great majority of Members and by the country at large. He would go further, and say that he believed there was a feeling of relief when the country learnt the decision arrived at. But he must call the attention of the House to the grounds upon which the Government based their decision, as this formed a most important element in the consideration of the questions before the House. Lord Kimberley, on the 24th May, 1880, said that assurances having been given to the Native population that they would be under the British Crown, and the communication having been made to the Dutch settlers that there was no intention to abandon the annexation, it would not be desirable now to recede. He added that "nothing could be more unfortunate than uncertainty in such a matter." The Prime Minister, on May 20, 1880, spoke of the existence of the

large Native population in the Transvaal—

"To whom, by the establishment of the Queen's supremacy, we hold ourselves to have given a pledge."—[3 *Hansard*, cclii. 145.]

Mr. Grant Duff, on May 21, 1881, gave in fuller detail the grounds for the decision of the Government. He pointed out that if the Transvaal was handed back to the Boers all the old difficulties would revive; that there would be danger of civil war between the Boers and English settlers; that all the merchants and persons of property would tremble if left to Boer rule; that troubles would arise between the Zulus and Boers; that the interests of the friendly Boers must not be overlooked; and that regard must be had to the feeling of the vast mass of Native inhabitants. And lastly, on the 21st January, 1881, the reasons were fully set forth again by the Prime Minister. He said—

"I must look at the obligations entailed by the annexation; and if, in my opinion, and in the opinion of many on this side of the House, wrong was done by the annexation itself, that would not warrant us in doing fresh, distinct, and separate wrong, by a disregard of the obligations which that annexation entailed. . . . First, there was the obligation entailed towards the English and other settlers in the Transvaal, perhaps including a minority, though a very small minority, of the Dutch Boers themselves; secondly, there was the obligation towards the Native races, an obligation which I may call an obligation of humanity and justice; and, thirdly, there was the political obligation we entailed upon ourselves in respect of the responsibility which was already incumbent on us, and which we, by the annexation, largely extended for the future peace and tranquillity of South Africa."—[3 *Hansard*, cclvii. 1142.]

These were very strong reasons, amply justifying the policy of Her Majesty's Government in retaining the Transvaal; and these reasons had been intensified a hundredfold by the war. Our obligations then became still more sacred and binding, especially towards those who had lent, or offered, us loyal assistance. He would now pass to the third stage of these proceedings—namely, the surrender of the Transvaal to the Boers. Looking to the reasons given for maintaining that territory, the Government ought to be able to advance very strong and powerful reasons for the change of policy. If the change had been made at first, when the Government came into power, if the Transvaal had then been abandoned, either on the ground of the



probable expense and danger which would be incurred in retaining it, or because of the strong feeling in the territory against British authority, they on that side of the House might have regretted and protested against the decision; but the reasons for it would have been clear and simple, and bloodshed would have been avoided. But the change of policy was not made. On the contrary, the continuance of the annexation was justified, although it was known that there was a party in the Transvaal opposed to it; and it was also urged that danger might be anticipated from a change of policy. What, then, were the reasons, what the motives, which subsequently induced the Government to alter their decision? There was no proof of any increase of hostile feeling on the part of the Boers, except, perhaps, just after the time when the decision of the Government was first made known in the Transvaal. Indeed, there was reason to believe that the feeling was quieter. The outbreak in December was a sudden act; a spark lighting up a smouldering disaffection which would have been stamped out, even if it had not died out of itself, if a firm front had been shown. At first, after the revolt broke out, there was no apparent substantial change in the policy of the Government. "Her Majesty's authority was to be vindicated;" and "there was a duty anterior to all duties—that of vindicating the authority of the Crown." These were the phrases used by Ministers; but he (Sir Henry Holland) suspected that a change was all this time working in the minds of those Ministers. It was no secret that the original policy of annexation was distasteful to many Members of the Government, and not improbable that one or two would have been willing at once to reverse that policy. It was well known that there was discontent at the decision taken by the Government on the part of many, if not all, of the Radical Members, and on the part of many who had so largely assisted in bringing the Prime Minister into power. There was, therefore, constant pressure put upon the Government to restore the Transvaal, and this pressure was increased and intensified by the revolt. Then came further checks of our soldiers, and still more pressure, and with all this the dislike that more blood should be shed in a

cause which was considered of doubtful justice must have weighed with the Ministers. He (Sir Henry Holland) blamed the Government for yielding to this pressure; but he most strongly blamed them for the uncertainty and hesitation in their policy. He regretted that they had not taken to heart Lord Kimberley's statesmanlike remark that "nothing could be more unfortunate than uncertainty in such a matter." This uncertainty strengthened the pressure here; it strengthened the Boers out in the Transvaal; it gave a direct encouragement to rebellion, and it was a direct discouragement to our friends in the Transvaal and throughout South Africa. There was not time this evening—as a division was so much desired—to go in detail through the different steps downwards until Her Majesty's Government, in lieu of vindicating Her Majesty's authority—in lieu of performing that paramount duty—made peace with armed rebels actually holding a position in our Colony of Natal. Perhaps, however, he might point out that he thought the hon. Member for Carnarvonshire (Mr. Rathbone) had somewhat misapprehended the statement of the right hon. Baronet the Mover of the Resolution. The hon. Member appeared to forget that there had been three military checks before Majuba. There was the attack on the 94th Regiment at Bruncker's Spruit, the fight at Laing's Nek, and the fight at Ingogo. These three checks had taken place before Her Majesty's Government placed any substantial and definite scheme before the Boers for their consideration; and two of them had taken place before President Brand urged by telegram that the nature of the scheme proposed by the Government should be explained. But, without going into detail, he (Sir Henry Holland) desired to point out to the House the gradual change in the language of the Government. They began with the term—"Necessary to vindicate Her Majesty's authority;" they went through the stage—"If the Boers will desist from armed opposition;" then came the very serious check at Majuba, and thereupon they made peace with Joubert, whose declaration that the Boers "will negotiate, but not submit or cease opposition," the Government received on the 4th of March. To make peace with such a leader, at such

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a time, was hardly to vindicate Her Majesty's authority. Why had not the Government the courage to follow the advice of Sir Evelyn Wood, who knew these Boers well. He wrote—

"The happiest result will be that after accelerating successful action, which I hope to fight in about 14 days, the Boers should disperse without any guarantee, and then many now undoubtedly coerced will readily settle down."

The hon. Member for Carnarvonshire asked what alternative policy we would have advised? Well, in the first place, a firm adherence to our policy would have prevented this scrape; but still he did not hesitate to say that in the circumstances he would have re-established the Queen's authority and Government in the Transvaal. If blood was shed in doing so, which, however, might not have been the case had we maintained a firm front, much as such bloodshed was to be regretted, he believed it would be less than might ultimately have to be incurred through this change of policy. He would, as soon as it was possible, have given large local powers to the inhabitants of the Transvaal, when they had settled down and shown themselves competent to exercise such powers. In what position did we now stand? We had broken through obligations solemnly entered into by the late Government, and renewed and confirmed by the present Government. Could it be contended that the Government had substantially protected those to whom we were under obligations? Could it be contended that they were in as secure a position as that which we practically guaranteed to them? The answer must be in the negative. The Instructions given to the Royal Commissioners were, he admitted, wide in terms and well framed; but then the decision of the Commissioners and the terms they made were not final, but had to be submitted to the Volksraad. We were labouring under the disadvantage of not knowing what those terms would be; and he (Sir Henry Holland), for this reason, was one of those who desired to see the debate put off until the Commissioners had reported. But, in the first place, unless all had been conceded to the Boers which they desired, would these terms be accepted, or, if accepted, would they be observed? He would refer upon this point to a very ominous passage in a despatch of Sir Evelyn Wood of March 28, 1881—a

passage, he might observe, which did not appear in the despatch as originally given in the Blue Book, but which was subsequently presented to Parliament at his request. Sir Evelyn Wood writes that Mr. Joubert—

"Gave me to understand that the question of peace or war was very much in the hands of those who had taken up arms under his leadership; and I am inclined to believe that these men, who, it must be remembered, have never sustained defeat, may at any future time make their voices heard in the event of the Royal Commission giving any decisions which may be unpalatable to them, or which may fall short of what they expect."

And, in the second place, assuming that the Commissioners in terms protected the three classes of persons to whom we were bound, as the Prime Minister had admitted, to give protection; and assuming that the Volksraad accepted those terms, who was to guarantee, and how were we to secure the performance of them, and who was to punish for a breach of them? That question was one of the gravest importance, and must be faced. The Boers, if we looked back to their history, could not be safely trusted. They broke the Sand River Convention, and it was to be feared that they would—not, perhaps, in the first or second year, but within no great length of time—again begin to harass, perhaps enslave, the Natives. In such case, what protection would the Natives have? What would the Boer Government care for the remonstrances of the British Resident unless those remonstrances were backed up by Imperial Forces and Imperial power? He begged the House to look at the position of those settlers and Natives who had loyally assisted us, or tendered their assistance to us, during the recent troubles, and of all those who had gladly hailed our protection. In lieu of a powerful and friendly Government, they would be under a Government hostile to them and overbearing; in lieu of a Governor appointed by Her Majesty, they would have a British Resident with no power; in lieu of Imperial protection, they would have the remonstrances of the British Resident; and in lieu of Imperial obligations, they would have the promises of the Boer Government. This policy had been called "generous" and "just;" but by whom? He (Sir Henry Holland) could understand why it should be called generous by Radical Members and their

constituents. Their lives were not endangered, their property was not rendered insecure, their commercial relations were not affected by a change of policy, of which they approved as coinciding with their views. He could understand why it should be called generous by the Boer leaders, and it had been so characterized by them in a despatch or Memorial. They had gained power, office, and the emoluments of power and office, which they would have failed to gain under British rule, and they had been successful in their rebellion. He could understand why President Brand—who, he must remark in passing, had taken a most kind and judicious part in these proceedings—should call this policy generous, because he naturally would prefer to see a Dutch Republic, rather than a strong British Government, on the borders of the State over which he so ably presided. But what was this policy called by those to whose opinions we were chiefly bound to look; by those to whom we had contracted solemn obligations; by those to whom, to use the Prime Minister's words, which he (Sir Henry Holland) had already cited, we have done a "fresh, distinct, and separate wrong by a disregard of the obligations which the annexation entailed." They said they had been "wilfully and deliberately abandoned, cruelly deceived and betrayed;" and, allowing for some not unnatural exaggeration, he could not but think that these words very fairly described the position of these people. He did not regret the loss of the Transvaal. The responsibilities of this country were sufficiently grave without any further extension; but he did regret that the Government had yielded to pressure, and given a premium to successful rebellion. He agreed with the very pregnant words of the right hon. Gentleman the Member for Ripon (Mr. Goschen), when speaking a few days ago of the Irish Land Bill—"It is a dangerous thing in the history of a country when agitation is successful;" and he ventured to think that it was still more dangerous when armed revolt was successful. He did regret the loss this country had sustained in her character for honourable observance of obligations, for ready protection of friends and of the weak, for ready protection of those who had been brought under our

power, and especially when so brought by our own action. The Prime Minister a few weeks ago, in eloquent language of which he was so great a master, denounced the late Government for the Anglo-Turkish Treaty and the occupation of Cyprus; and he said it would be the duty of himself and his Colleagues to restore the character of this country for disinterested conduct in European affairs. If he (Sir Henry Holland) had one-tenth part of the eloquence of the right hon. Gentleman, he would employ it in exhorting him and his Colleagues to endeavour to restore the character of this country for strict observance of obligations, for justice and humanity, for readiness to protect, through good report and bad report, through good days and bad days, those who had come under Her Majesty's authority, and who had a right to look for such protection. He would exhort the House to disapprove of a policy which had been wavering and uncertain, and by that very uncertainty had led to the loss of many brave officers and men; a policy which had yielded to the pressure of a successful rebellion, and failed to vindicate Her Majesty's authority; which had led us to break obligations solemnly entered into, while incurring new engagements which we might soon be called upon to perform, and which we must then either again recede from, or perform only by again pouring troops into the Transvaal, by further bloodshed, and by a repetition of those sad and terrible scenes which a firm policy would have prevented. There must be a large majority against us this night; but hon. Members on this side of the House were content to have entered a strong protest against the policy of the Government, a protest in which he believed a large number of Her Majesty's loyal subjects, not only in this country, but in the Colonies, would heartily concur.

Mr. CHAMBERLAIN said, he was certainly not disposed to under-estimate the importance of the considerations which had just been brought before the House by the hon. Baronet the Member for Midhurst (Sir Henry Holland), who was probably as well qualified as anyone in the House to speak with authority on the subject. He (Mr. Chamberlain) was ready to admit that the question was one environed by difficulties on every side, and that the course which

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the Government had pursued might not be followed immediately by an entirely satisfactory conclusion of the difficulties which they had encountered. He was aware, also, that it was quite conceivable that the Government might have further complications to face. But he wished to point out that it followed from what the hon. Baronet the Member for Midhurst had said, and also from what had been said by the right hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach), that, in their opinion, the only satisfactory alternative to the policy of the Government would be the policy of persisting in the annexation of the Transvaal, and by this country continuing to maintain the entire control over the institutions of that country. But he (Mr. Chamberlain) doubted if it would have been possible to have maintained that control, and, at the same time, to have given free representative local institutions. They must, therefore, have maintained a practically despotic Government, and they must have been prepared to keep a large force constantly in South Africa. Here was the plain issue for the House. Were they willing that the annexation of the Transvaal should be permanent? He was not going to dwell upon the difficulties of such a course. He did not doubt that Sir Evelyn Wood, with the large force placed at his disposal by the Government, could have, if so minded, overrun the Transvaal and re-conquered the country. His difficulties, however, would not have ended there. He would have had to face, probably, the opposition of the Free State; and the Government would have been confronted with the agitation among the Dutch Colonists of the Cape. But the enterprise would have been absolutely Quixotic. They would have had permanently to maintain a large army on a European scale. They would have had to risk the best interests of South Africa, and face an insurrection at any moment, when any considerable portion of our troops were removed, and they would have done all this for the purpose of maintaining the supremacy of the Crown over a population of only 40,000 White inhabitants, who were apparently so poor that the utmost revenue that this country could expect from them would not exceed £100,000 per annum. But these were not the main reasons

why, as he submitted, it was impossible for them to maintain the annexation of the Transvaal. He thought that course was impossible for any Government caring for the honour, as well as the interests, of this country. It was contrary to their Treaty engagements; it was contrary to the best traditions of a free country. ["No!"] He should convince the hon. Member who said "No" of the accuracy of what he said. Mention had been made, in the Motion of the right hon. Baronet (Sir Michael Hicks-Beach), of the obligations which they had contracted towards the loyal inhabitants. He admitted those obligations, and that they ought to be respected. But this country was under stronger obligations of longer standing and more binding to the Boers. By the Sand River Convention they bound themselves to the Boers to guarantee to them their independence, and not to make any encroachment on the lands West of the Vaal. It was impossible for any self-respecting Government to ignore those undertakings, unless with the consent of the Boers themselves. And this was the position taken by the late Government at the time of the annexation. When placing the matter before the House of Lords, Lord Carnarvon said that the large majority of the population was in favour of the annexation, and that if it were not so he had no desire to take over an unwilling population. This was the spirit of the Instructions given to Sir Theophilus Shepstone; it was the condition, the ground of the annexation. It was upon the assumption that the majority of the Boers were in favour of annexation that Parliament consented to it in 1877. If they found out subsequently that the wishes and sentiments of the Boers were entirely misunderstood—that they had gained the Transvaal on false pretences—they were bound in honour to withdraw from the position which they had unwittingly and wrongly taken up. He could not understand how those who talked so glibly of the honour of this country could fail to see that the greatest shame and humiliation would be in maintaining a high-handed breach of faith, and destroying the independence of a people which they had solemnly engaged to respect. The moment the Government became aware of this feeling they adopted the conclusion to which

he had referred. It was said they ought to have come to this decision before. He should meet that charge, though it was not contained in the Resolution. There were two possible occasions on which they might have consented to withdraw. The first and most critical occasion, no doubt, was when the Government took Office. The question at that time was not an easy one to decide. Although they were then all of opinion that the original act of annexation was a mistake, the objections to the reversal of this policy were very serious indeed. There was, of course, in the first place, the possibility that upon their leaving the Transvaal the territory might become the scene of civil war. There were the obligations to which the Resolution referred, and which they were bound to respect. They had also the opinion of Sir Bartle Frere, that the project of Confederation, which he believed he was about to carry to a successful issue, would be entirely frustrated if they announced their intention to withdraw from the territory. These being the difficulties, it was perfectly clear that no Government could have successfully defended its policy on encountering these risks unless it had positive evidence that the occupation of the Transvaal was contrary to the wishes of the population. They had no such evidence. On the contrary, they had positive assurances that the country was rapidly settling down. They had before then, it was true, an early statement from Sir Garnet Wolseley, dated October, 1879, that he had come to the conclusion that the objections of the Boers were much more serious than was imagined; but later he was re-assured, and they received a telegram from him on April 4, 1880, in most re-assuring terms, which was confirmed and expanded in a despatch dated April 10, in which he stated his conviction that the announcement of the irrevocability of the annexation would produce a cessation of the agitation. This was also the opinion of Sir Bartle Frere at the time, and it was subsequently confirmed by fuller accounts from Sir Owen Lanyon and Sir George Colley. Sir George Colley made a tour of the Transvaal, and was so satisfied with what he saw, and by the reports from the officials in the territory, that he actually proposed a reduction of the garrison by one regiment. There was other collateral evidence

which appeared to confirm these statements of our officials. The taxes were being paid, and the military commanders were, as he had said, of opinion that they could do with smaller forces; and, as had been pointed out, by, he thought, the right hon. Member for East Gloucestershire (Sir Michael Hicks-Beach), several of the most important Boer leaders had already accepted office under the British Government. Well, those were the statements, and the only statements, in their possession at the time when they had to come to a conclusion; and they came to the conclusion that those statements, at all events, did not justify them in encountering the alternative risks of withdrawing from the annexation. It was very easy indeed for anybody to be wise after the event. They knew better now; but he did say, looking back to that time, that it would have been exceedingly difficult for them to have attempted to withdraw with the information in their possession. The theory had been started that all would have been well in the Transvaal but for political agitation in this country, especially but for the speeches of his right hon. Friend the Prime Minister in Mid Lothian and of his hon. Friend the Under Secretary of State for the Home Department, he supposed in that House, because he did not recollect that he made speeches in the country on the subject about the same period. It was a very convenient theory for right hon. and hon. Gentlemen opposite; but it appeared to be entirely at variance with the facts, because the favourable opinion of the officials in the Transvaal as to its conditions continued, and continued with increasing emphasis long after the speeches in Mid Lothian made by his right hon. Friend the Prime Minister, and by his hon. Friend the Under Secretary of State for Home Affairs, and down to within a week of the outbreak. They now knew these opinions were based on a misapprehension of the facts; but there was not the least reason to suppose that they were more accurate at one time than another. There was not now, he believed, the slightest doubt that there never was a time since annexation when the vast majority of the Boer population had not been entirely opposed to it. There was a second occasion when it had been suggested the Government might have withdrawn from the annexa-

*Mr Chamberlain*

tion, and that was the time when, on the 29th of December, the proposal was made by Mr. Merriman and others at the Cape that Chief Justice De Villiers should be appointed to report on the state of the Transvaal. The right hon. Baronet the Member for East Gloucestershire said—Why was it inopportune to accept the suggestion on the 29th of December when it was opportune to send a Commission after you had suffered defeat? The insinuation of the right hon. Baronet was that it was the three defeats which caused a change of policy and made it opportune. On January 26 it was opportune, and on December 29 it was not. Well, it might have been expected that the right hon. Baronet would have seen that there was a considerable difference between the two proposals. He blamed the Government both for what they had not done and what they had done—for agreeing to appoint a Commission which was asked for by the Boers themselves, and which was to be appointed in order to consider and settle the terms of peace, and he blamed them also for not appointing a Commission on the 29th of December, at the instance of the Cape Colonists, who were not directly concerned in the question, and which was only to inquire and report, with no assurance that its propositions would be acceptable to, or would be welcomed by, the Boers. To justify the opinion that it was inopportune to send a Commission on the 29th of December it was only necessary to consider the condition of affairs at that time. Information had been received that the detachment of the 94th Regiment had been cut off; there were allegations of treachery which subsequent inquiry had shown to be utterly devoid of foundation; but the allegation had to be considered without the means of ascertaining how far it was accurate; British garrisons were being besieged and attacked; our troops were coping with an insurrection in which they were outnumbered; the demands of the Boers at the time, so far as the Government were acquainted with them, were unreasonable; and there was no reason to believe that, if we had offered such terms as we subsequently conceded, they would have been accepted. On the contrary, we knew that, since the acceptance of those terms, the younger and higher spirited men among the Boers had complained bit-

terly of the humiliation to which they had been subjected in accepting terms which they said we had imposed upon them, and they accused Joubert of having betrayed them. He now went back to the time of the outbreak, when the Government had to consider what was to be done, and when they advised Her Majesty to state in the Speech from the Throne that she had taken military measures to insure the prompt vindication of her authority. It was said that their subsequent action had been inconsistent with this statement, and that they had not vindicated the authority of the Crown. It appeared to him that the right hon. Baronet put much too limited an interpretation on those words. He admitted that the view that the right hon. Baronet took of the vindication of authority was consistent with a legitimate interpretation of the words; it was one interpretation of the words; but he appeared to think that there could be no other vindication of authority than a bloody victory followed by the resumption of the Crown control over the territory. Although he shared the right hon. Gentleman's disinclination to confess when he was wrong, he would make a confession, and would say that, at the time when those words were inserted in the Queen's Speech, if he had been asked what he expected to be the result of our action, he should have assumed it to be probable that when Sir George Colley received the reinforcements he would have attacked the Boers and dispersed them, and immediately afterwards we should have sought the first opportunity to withdraw from the Transvaal, into which we ought never to have entered, offering the Boers the terms we subsequently conceded. The importance of the three defeats had been exaggerated. Although it was deplorable to lose valuable lives, yet to a country such as this, with its population of 35,000,000, and its enormous resources, the defeat of a few hundred troops by greatly superior forces could not be treated as a matter of national importance, demanding necessarily the further sacrifice of valuable life. He should not have expected that the Boers after their victories, which naturally raised their military spirit, would have consented to accept the terms which we were willing to concede to them. But surely the use of the words—"The vin-

dication of the authority of the Crown," could not be held to preclude us from offering and accepting a satisfactory peaceable settlement? Surely it was not a condition of our accepting terms, in themselves satisfactory, that we should have previously won a victory over the Boers and destroyed their power. Assuming the terms to be just and reasonable in themselves, which he knew was a matter of controversy with right hon. Gentlemen opposite, considering that they were the result of overtures which came from the Boers and were not made by us, that they were our terms and not theirs, that they were imposed in the face of an overwhelming military force, at a time when Sir Evelyn Wood said that he could, humanly speaking, promise a victory if he made an attack, and that these terms included the dispersal of the Boers, he should have thought that they constituted a vindication of the authority of the Queen which was not at all less complete because unaccompanied by a further effusion of blood. It was to be remembered that the Boers put forth originally demands very different from the terms they accepted, and that they withdrew those demands. They agreed to disperse, they accepted a Royal Commission entirely nominated by the Crown, and they permitted the resumption of the English civil administration of the Transvaal. The right hon. Gentleman thought that resumption was imaginary, and that that was shown, as he said, by the troops sent to replace the garrison at Potchefstroom accepting what he called the escort of a Boer leader. This was most amazing. Did he believe that a considerable body of British troops required to be protected by one man? It was evident on the face of the fact that what occurred was this. We were determined to replace the garrison; we told the Boer leaders that, in order to do so, we would overcome any opposition; the Boer leaders protested their good faith; they said no opposition would be offered, and, as a guarantee of this, they furnished one of their leaders as a hostage rather than an escort to accompany our troops; and in the result their good faith was vindicated. It was said that the policy of the Government had been changed by defeats, and that the tone of the negotiations was altered by them. That proposition he denied entirely; he submitted that there was not the slightest

variation from first to last in the terms the Government were willing to concede. As time went on they assumed a different shape in some of the details; but they never varied in principle. The dispersal of the Boers and the desistance from armed opposition was to be found in them from first to last. On the 10th of January these negotiations commenced by a reply to a telegram from Mr. Brand, in which the Government said, provided the Boers would disperse and desist from armed opposition to the Queen's authority they would not despair of making satisfactory arrangements. On the 12th Mr. Brand suggested that Mr. De Villiers should be appointed as Commissioner to settle terms of peace with the Boers. On the 14th the Government replied that if the Boers would desist from armed opposition they would consider whether a settlement could not be brought about by the appointment of a Special Commissioner. On the 26th Mr. Brand asked whether it was not possible to offer terms and conditions taking up the words of the Government—"Provided the Boers cease from armed opposition." The Government replied that immediately opposition ceased they would endeavour to frame such a scheme as would, in their belief, satisfy all enlightened friends of the Transvaal. All these telegrams were previous to the disasters of Laing's Nek, Ingogo, and Majuba Hill. It was said that they were vague and indefinite; but they were not so considered by those to whom they were addressed. On the 29th Mr. Brand said that he was very pleased to receive such an answer, and all he desired was that it should be immediately made known to the Boers. The real question was not whether our policy was changed in consequence of the defeats, but whether it ought to have been changed in consequence of the defeats—whether, in consequence of our defeats, we should have withdrawn the offers we had made previously in order to have substituted terms more unfavourable to the Boers? The right hon. Baronet referred, but not with his usual candour, to the despatch of Sir Evelyn Wood, dated the 5th of March, in which he said he anticipated the happiest results from fighting a successful battle; he evidently approved of that suggestion, and desired it should have been adopted; but he

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did not go on to quote the subsequent despatch of the 8th of March in the same Blue Book, in which Sir Evelyn Wood stated that "by happiest results" all he meant was that he thought a fire had been kindled it would be difficult to extinguish, and if he gained a victory over the Boers they would be more easily dealt with. In effect, what Sir Evelyn Wood said was this:—At that time, flushed as they were with victory, he did not think the Boers would accept the terms he knew that we were prepared to concede, and he suggested a victory with this "happiest results" in order that we might by victory impose upon the Boers those terms which the Government could hardly expect they would accept without a victory. Sir Evelyn Wood himself, on the 4th of March, the day succeeding the date of his despatch, acting on his own discretion, concluded, to his own great credit, an armistice with the Boers.

SIR HENRY HOLLAND: Sir Evelyn Wood's despatch, to which I referred, is a different one from that.

MR. CHAMBERLAIN said, he was not referring to anything said by the hon. Baronet, but to a statement made by the right hon. Baronet (Sir Michael Hicks-Beach). What he had to say on behalf of the Government with respect to that matter was this—that, in their opinion, a great nation could afford to be generous. In old times, when duelling was common, it did not unfrequently happen that a man who had, as it was said, given his proofs, refused to go out on insufficient grounds because his character for bravery and skill did not require any further proof. In the same way, the right hon. Baronet had taken too low a view of the reputation of the country when he thought it needed to be sustained by pursuing the war to the bitter end. They had, as a nation, too often proved their courage and tenacity of purpose for anyone not blinded by Party prejudice to think that their reputation must be made good in such a fashion as that. They had the power in their hands, but they had not the will to use it. The strength of the giant was there, but it would have been tyrannous to employ it. If they had not so employed it, it was because they were not satisfied with the justice of their cause—because they did not think there was any end to be served commen-

surate with the sacrifices they would impose upon themselves and others; and because they had learned to recognize in their opponents qualities which were worthy of a free people; and, lastly, because they considered that all reasonable demands were satisfied, and that peace gave to this country everything that victory would have enabled them to secure. He would briefly refer to the terms which had been arrived at. The right hon. Baronet complained that he was at a considerable disadvantage in dealing with the question, inasmuch as he had not before him the details of the final settlement. Well, that was a disadvantage which they shared with the right hon. Baronet. The negotiations were still incomplete, and they had to be approved of by the Government and by the Volksraad. But he was confident that when the result of the deliberations became known it would be on the whole and in the main satisfactory to the people of the country, and that it would be found that full consideration had been given to the points which the right hon. Baronet raised in his Resolution. The House had before it the preliminary conditions of peace and all of the Instructions sent by Lord Kimberley to Sir Hercules Robinson, and these were sufficient to enable them to discuss the question. The right hon. Baronet condemned those arrangements, root and branch, and in doing so was a little inconsistent in himself, for there was nothing in them which was not covered by the promises made to the Boers by the right hon. Baronet when he was in Office. On the 20th of November, 1879, the right hon. Baronet wrote a despatch in which he said that the Transvaal might receive a Constitution which would confer upon the people, under the permanent authority of the British Crown, the fullest independence and freedom of self-government, according to their own views, in all matters except those as to which an independent Power, unless hostile, would be compelled to co-operate with its neighbours. But the right hon. Baronet stated that he had been informed by those in whom he had the fullest confidence that the best form of government for the Transvaal was that of a Crown Colony. Well, was that the opinion of the right hon. Baronet when he wrote that despatch? He did not doubt that the right hon.



Baronet was perfectly sincere when he penned it; but he now said that, in his opinion, the offer he made to the Boers in it was not that of the best form of government for them; above all, that it was not one which would best maintain the interest of the Native population. Why, then, did the right hon. Baronet, as a friend of the Boers and desirous of securing the interests of the Natives, make it? Was he afraid of the Boers? When he saw reason to dislike any terms proposed by the Government he represented them as trembling in their shoes for fear at this terrible population of 40,000 Boers; but he could hardly be acquitted of having manifested some timidity himself when he was found offering the Boers terms which he now characterized as improper. Well, the offers made by Her Majesty's Government were covered by those of the previous Government; they offered the fullest legal independence, reserving the foreign relations of the Boers and their external policy. The only thing which remained was the difference between sovereignty and suzerainty. Whatever importance right hon. Gentlemen opposite attached to that difference, he ventured to say that in all practical arrangements of affairs no distinction could be established. But the Government had gone a little beyond the right hon. Baronet, because he made no reference with respect to our obligations to the loyal settlers and Natives. It would be found that the loyal settlers would be protected in their rights, in their legal position, in their lives, and in their properties; and, further, that compensation would be exacted, not only for damage which might have been wilfully inflicted, but for damage which naturally and necessarily followed from the war. There might be claims for compensation which no Government could entertain. They could not entertain a claim for compensation for depreciation of property owing to a change of policy on the part of the British Government; and some such claims might be made by the so-called loyal settlers. They could get some idea of the claims which might be made from the statements made at the meeting which had been referred to, and which was presided over by the noble Marquess the Leader of the Opposition in "another place." There they found one loyal settler, who must have rather astonished his patrons by admitting that

he had been, and perhaps still was, an owner of slaves, who said he went to the Transvaal before the annexation and acquired property there, that that property—including, he supposed, his slaves—increased in value under British rule, and he claimed compensation because that property might be depreciated to its original value. Well, it was likely that a good deal of property had been appreciated under British rule when soldiers were sent to the district at the cost of the British taxpayer; but such claims were out of the category of reasonable claims. He was not, however, disposed to deny that there were other claims much more just, and which would be found to receive the fullest acknowledgment. But what was much more important was the question as to the arrangements which might be made for the protection of the Native population. The right hon. Baronet had thought himself justified in taunting them with professing great interest in the Natives and yet neglecting to promote their interests. He did not think the right hon. Baronet would be able to maintain that charge. But he was bound to say he was surprised and delighted at the sudden interest which the right hon. Baronet had evinced in the Native population. If they considered the interests of the Natives of the Transvaal, why was not this said at the time of the annexation, both in this House and in "another place?" Let him, in the first place, set some hon. Members right as to the actual position and claims of these Natives in the Transvaal. They appeared to be under the impression that the Boers in the Transvaal were fierce and unjust aggressors, and that they dispossessed the Natives of their territory, and brutally ill-treated them afterwards. He wished hon. Members would read the Papers before they came to this rash and inconsiderate conclusion. The absolute reverse of that was the fact. ["No, no!"] He commended a letter in the Blue Book by the Rev. George Blencowe, who was an advocate of Native interests, to their consideration, and they would find there that previous to the advent of the Boers the territory was depopulated by an inroad of Kaffirs, and the original possessors were either destroyed or driven out. When the Boers came to the territory, they found it practically a desert, and

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they did not dispossess any quantity of Natives so as to constitute a serious and considerable charge against them. After the Boers had settled the country and thrown back the Kaffirs, some of the original possessors returned, together with many foreign tribes, so that now there was a mixed population, who had been attracted by the settled rule of the Boers, imperfect as it was. He was perfectly aware that these people had speedily increased and multiplied, and that it was the Boers who were afraid of them, and not they of the Boers. By the latest Returns the population of the Transvaal was 38,000 Boers and 5,000 English and other settlers, more or less hostile to them, and in the face of that White population there were no less than 770,000 Blacks. Did they not think that, on the whole, such a vast population would be able to take care of themselves? The right hon. Gentleman opposite had quoted Major Bellairs, an Administrator of the Transvaal, who stated that when the Government were going to give up the Transvaal the Natives were then paying willingly their taxes; but he added that this might be owing to their desire to keep on good terms with those whom they considered would be their future rulers. His right hon. Friend opposite said that the Blacks paid their taxes willingly; but he (Mr. Chamberlain) would quote again the opinion of the Rev. George Blencowe, who strongly protested against the hut tax of 10s., which the Blacks regarded as unjust. He considered that if they had continued to govern the Transvaal they should have found it very difficult indeed to maintain their rule over the Native population. But he was prepared to say this—that it was their duty—and that they had fulfilled it—to do their best to make provision compatible with good policy for security of the Native races. The Earl of Kimberley had suggested in a recent despatch that Natives should have a legal right to the land they held, and he believed that suggestion would be acted upon by the Boers, and that it had already been admitted. Then, as to slavery, he had no doubt that it would be put down—the indentureship, it might be admitted, was almost as bad as slavery, and they had made a stipulation and an agreement that that should be done away with. But while they denounced inden-

tureships among the Boers, they must remember that it had existed for years, and still existed in some of their British Colonies. He had himself called attention to the fact that hundreds of children had been separated from their parents, and especially also to cases where the widows and orphans of men killed in the wars had come under this abominable system of indentureships, and with no guarantee whatever for their treatment or future liberty. It was a bad practice whether accepted in the Transvaal or in the Colonies; they had tried to put a stop to it in the Transvaal, and they hoped that this example would have due weight elsewhere, so that the shame of this system might no longer attach to the British name in any of their Colonies. Lastly, the right hon. Baronet told them in the Resolution that the arrangements they had made were fraught with danger to the future tranquillity of the country. He (Mr. Chamberlain) had admitted that the future was certainly not free from complication. With regard to the difficulties with the Natives, they had endeavoured to provide for that by preserving control over the external relations of the Transvaal. They had provided for arbitration in all cases of dispute. The greatest danger, no doubt, existed in the possibility of bad relations between the different White races in the Transvaal. All he could say with regard to that was, the only security which they could take was in the endeavour which they were making to promote friendly feeling between these people. But no conceivable policy could be more likely to destroy hopes of such an amicable relationship than the policy advocated by the right hon. Gentleman and his Friends—which was to maintain by force the unwilling allegiance of the inhabitants of the Transvaal, besides embittering and endangering the relations between the Dutch and English settlers in the rest of our Colonies. He submitted, therefore, for the consideration of the House two propositions. The first was, that as soon as the Government became acquainted with the true feeling of the Boers, as soon as it became manifest that to conciliate them with any offer short of absolute independence was impossible, then the restoration of their independence was absolutely called for by regard to our Treaty engagements

and the honour of our country. Under the circumstances which he had described, to have continued to maintain the annexation would have been an act which he could only describe in terms which had been applied by a high authority to a different subject as an act of "force, fraud, and folly." He submitted, in the second place, that the retrocession having once been decided upon, the Government were bound to take the first opportunity of effecting a peaceable settlement and preventing further bloodshed. It was said that by these proceedings they had tarnished the honour of England. There were some hon. and right hon. Gentleman who took a delight in being humiliated. He did not, at any rate, share their feelings. It seemed to him if a brave man unwittingly committed an injustice he did not lose, but he gained in public estimation by taking the first opportunity of repairing the wrong which he had done. He could see no distinction between private and public morality. He could not see how a great nation should be shamed by doing that which they should all consider admirable and right in a private individual. For his part, he was not afraid or ashamed to appeal to the House of Commons, to appeal, if necessary to the English people, to justify the course which the Government had taken, and, above all, to approve their action in preferring justice to revenge, and in restoring to a brave people the independence of which they ought never to have been deprived.

MR. GORST said, the right hon. Gentleman seemed to be well satisfied with his own defence of the Government; but, as far as he could judge from the reception of their speeches, the Prime Minister was better pleased with the defence which was offered by the hon. Member for Carnarvonshire (Mr. Rathbone). He would not have followed the right hon. Gentleman, but for an observation he made in his speech. To the great astonishment of the House and his Colleagues, the right hon. Gentleman said that all his Colleagues disapproved of the annexation of the Transvaal. When the right hon. Gentleman made that observation his (Mr. Gorst's) eye wandered over the Treasury Bench to see whether the Chief Secretary for Ireland was present. If that observation had been made in his presence, he might, perhaps,

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have interrupted the right hon. Gentleman by stating that, in 1877, when this matter was under the discussion of the House, he said he approved that annexation, and that it was absolutely necessary to prevent anarchy. But he should like to read to the right hon. Gentleman some observations which Lord Brabourne, a Member of the late Liberal Government, had made in a pamphlet. The observations of Lord Brabourne were to the effect that during the Session of 1877 many discussions took place on South African affairs, and one upon the special subject of the annexation of the Transvaal; that during that debate the Prime Minister (Mr. Gladstone) never opened his mouth to say one word against it; that the Under Secretary of State for the Home Department (Mr. Courtney), who had been very recently elected, was only supported by two or three of the Irish Home Rule Party; that the annexation was acquiesced in by the Liberals as a Party; and that it was only recently that they discovered objections to it which they never entertained before. He should like to state clearly what were the accusations against the Government, and what it was that, in the opinion of the Opposition side of the House, ought to be answered by some Member of the Government. The first accusation against the Government was an accusation of sheer blood-guiltiness. These were the words of the Prime Minister himself. The Prime Minister, in a letter to Mr. Tomkinson, with reference to an address expressing approval of the course adopted by Her Majesty's Government with regard to the Transvaal, said that when they came to the discussion of the subject in the House of Commons he would adopt no apologetic tone, and that this was a question of saving the country from sheer blood-guiltiness. Would the Prime Minister be good enough to inform the House why, if it would have been blood-guiltiness to have continued the contest in the Transvaal after March in the present year, it was not blood-guiltiness to have continued the contest up to March? The Government offered certain terms of peace; but it was admitted that those terms of peace might have been obtained without shedding a single drop of blood. It seemed to him that unless the Government could make out clearly what happened between the time when the Queen's

Speech announced that they were determined to vindicate Her Majesty's authority in the Transvaal by force of arms and the time when the terms of peace were arranged to justify the Government in carrying on the war, they were open to the charge of sheer blood-guiltiness. He had no doubt the Amendment of the hon. Member for Carnarvonshire (Mr. Rathbone) was settled by the Cabinet, and he durst say the speech made by the hon. Gentleman was also settled by the Cabinet, because he (Mr. Gorst) observed that the hon. Gentleman was very ardently cheered by the Prime Minister. But he made a most extraordinary statement. He said that the Government commenced negotiations as soon as they knew that the majority of the Boers were against annexation. He would not have attached so much importance to those words if the Prime Minister had not cheered them. [Mr. GLADSTONE said, he did not cheer that expression.] He was glad to withdraw that observation. But it was a remarkable statement from the hon. Member for Carnarvonshire. Obviously it was untrue, because the Prime Minister did not cheer. The hon. Member for Carnarvonshire showed that he had read the Mid Lothian speeches very carelessly. He wished the Prime Minister to tell the House why it was that the effusion of blood was not stopped until the 5th of March. The second accusation against the Government was that they had betrayed the loyal inhabitants of the Transvaal. The British Government engaged to retain the Transvaal for ever. After the present Ministry came into Office, the declaration was made, over and over again, by the Prime Minister and by Lord Kimberley, that the Transvaal would under no circumstances be surrendered. When the war broke out, the Government announced their intention to vindicate the authority of Her Majesty, and they accepted the services of the loyal inhabitants of the Transvaal in assisting in its vindication. But the part of their policy which was most likely to be condemned hereafter was their entire disregard of Native interests. The right hon. Member for Birmingham (Mr. Chamberlain) had spoken in the most contemptuous manner of the obligation which the Government was supposed to have contracted towards the Native races. Now, on the 9th of January in the

present year, when the war had broken out, the right hon. Member for Bradford (Mr. W. E. Forster) wrote a letter in which he said—

"This much is certain—that whatever be the number of the Natives, they are now the Queen's subjects and our fellow-countrymen, and it is the duty of the Government to consider their interests and rights, if not their wishes, in dealing with the territory which they inhabit. Nor can we, in considering their interests, forget that one great reason, if not the chief reason, why the Boers first went to the Transvaal and now demand to be the independent rulers of the Transvaal is that they desire to carry out their ideas of Native policy, which, to say the least, are not in accordance with the usual English ideas."

He was not surprised, after reading that letter, that the Chief Secretary for Ireland had absented himself, because, if the right hon. Gentleman had heard the observations of his right hon. Colleague, they must have given him great pain. He feared, however, that there was a great deal of hypocrisy among rival political Parties as to their zeal for the interests of Native races. He had been a long time in the House, and he had always observed that the Opposition for the time being was much more zealous for the interests of Native races than the Government of the day was. The state of affairs in the Transvaal when we annexed it was this—the Dutch Boers were undoubtedly guilty of occasional acts of cruelty and tyranny, both towards the Native races inhabiting the Transvaal and those also around its borders. That cruelty and oppression were, however, tempered by the fear of retaliation on the part of those Native races. When we annexed the Transvaal there was within the territory the Chief Secocoeni, who had resented the tyranny of the Boers and conquered them in several engagements; while outside its limits there was the powerful Chief Cetewayo, with his Zulu warriors, prepared to resist their incursions on his territory. At that time the Natives were getting rather the best of it, and it was supposed if we had not interfered that the Boers would either have been swept away altogether by the Natives, or would have had greatly to moderate their conduct towards the Natives both within and without their territory. The result of our intervention was undoubtedly advantageous to individual Natives, who paid taxes to us which they had refused to pay to the Boers, and rendered a loyal

submission to us. But though the short period of our rule in the Transvaal had been a period of great prosperity and happiness to the Natives, we had destroyed their power. We had destroyed the power of Cetewayo, the reason given for doing so being that the existence of his strong military force was a standing menace to the Transvaal. We did not much object to its being menaced as long as it was Dutch; but soon after it became English we declared war against Cetewayo. No one now contended that our war against Cetewayo was otherwise than unjust; no one now believed that there was real danger of the invasion of Natal; and everybody now admitted that the Zulu War was impolitic. It might be said that the Boers were opposed from the first to the annexation, but they, no doubt, tacitly acquiesced in it because they were afraid of Cetewayo; and it was not until Cetewayo's power was destroyed that they thought they would be safe in the Transvaal without British protection, and began to clamour for their independence. If the Government were sincere in their desire to restore the state of things which existed in the Transvaal before the annexation, why did not they restore Cetewayo? The Government of the day had not approved of the policy of the Zulu War, and the right hon. Member for East Gloucestershire (Sir Michael Hicks-Beach) had written a strong despatch censuring Sir Bartle Frere for commencing it. The Leaders of the Liberal Party, too, had not approved of that policy; and though the question had been debated in that House the issue raised was merely whether Sir Bartle Frere ought to be recalled. He wished the Prime Minister, when he rose to address the House, to explain why, as he reversed the policy of his Predecessors in the Transvaal, he did not reverse the policy not of his Predecessors, but one of their pro-consuls, with reference to Cetewayo and Secocoeni. He was very much obliged to the House for the kindness with which they had listened to him. He wished to point out what the Prime Minister was expected to answer before he could expect them to vote against the Resolution of the right hon. Baronet. First, he had to explain why the effusion of blood was not stopped before the 5th of March; second, why did they encourage the loyal inhabitants

of the Transvaal to fight against a cause which they were going to yield, and leave them a prey to those who had been their fellow-subjects? And, lastly, why had they abandoned a cause which the Chief Secretary for Ireland supported on the 19th of January, 1881, and leave their fellow-subjects, who were entitled to the protection of the British Crown, to the ill-treatment, tyranny, and slavery which they might expect to undergo at the hands of the Boers?

Mr. A. M. SULLIVAN said, that, at all events, the Irish Members were free from blood-guiltiness in connection with the Transvaal. It seemed to him that the hon. and learned Member for Chatham (Mr. Gorst), in an ebullition of candour, had destroyed the Party purpose of his speech. The hon. and learned Gentleman had spoken of "blood-guiltiness" being laid at the door of the Prime Minister; but what should they say when he proclaimed to his Friends of the Opposition that everyone now admitted that the Zulu War was an unjust war? He did not know whether the minority who voted against that war had the advantage of the vote of the hon. and learned Gentleman. He wished, as an Irish Member, to say a word on the subject before the House. He would remark, in passing, that the position of an Irish Member on such questions was not an agreeable one, because the Irish people saw themselves committed in every quarter of the globe to enterprises of which they did not approve; and their blood might be shed and their treasures spent in contests from which their consciences recoiled. He would say, however, that he had read many speeches attacking the policy of the Government in the Transvaal, and he studied them in vain to see whether there was any attempt to maintain now that the annexation of the Transvaal ought to have been persevered in. He was ready still to listen and be convinced if any Member should prove that we ought to re-possess ourselves of the Transvaal, that we had a legitimate title there, and that we should hold it to the bitter end. When he read the Instructions given to Sir Theophilus Shepstone to the effect that the inhabitants, or a sufficient number of them, were to be in favour of annexation, or the Government would not approve of it, he considered that there were two

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ways in which such instructions were to be taken. One way was to take them honestly. But it must be remarked that in all countries such additional commissions to pro-consuls produced the desired results. When the Emperor Napoleon III. wanted to annex Nice and Savoy it was only to be if the population of Nice and Savoy desired to be annexed. In the case of the Transvaal Sir Owen Lanyon declared that three-fourths of the White population were favourable to annexation. But what was the conduct of the Boers when they found their independence about to be taken away? They solemnly protested by the Representative of their Government and by their leaders, and they appealed to the Government at home and to the British people against it. Was he to understand that if, in the first instance, they had taken up arms the genuineness of their opposition would have been more readily acknowledged? He recognized, in the conduct of these men, a steady belief that the Government and people at home had been misinformed, and that if they appealed to the conscience of this country justice would be done. They first appealed to the justice of those who had wronged them, and then, when the appeal was made in vain, they unwillingly fell back upon the *ultima ratio*. It appeared to him that the Members of Her Majesty's Government, and notably the Prime Minister, entertained the conviction that the Boers had been wronged, and that somebody had blundered. But if those right hon. Gentlemen proceeded to work a State policy based upon their convictions out of Office without official information of the facts, what an outcry would have assailed them. He was not astonished, therefore, that the Government did not a month, or two months, or three months after acceding to Office proceed to put into operation the convictions which, no doubt, they had formed on the information open to them. But, from such a perusal of the Papers as he had been able to make, he challenged contradiction when he said that the Government, before those military accidents which made hon. Gentlemen say that Great Britain had been defeated, took prompt and immediate steps to effect an honourable settlement of the question. The real ground of complaint was that the Government did not withdraw their

offers of peace and follow a policy of revenge, for the fact was that the statement of the terms offered was sent before the battle of Majuba Hill, and the Boers fought in ignorance of them. Ought those terms, then, to have been withdrawn in consequence of Sir George Colley's failure? It would be shameful to assert that England made peace because she was driven to do so by a handful of Boers. If he were an enemy of England he should say that those persons who propounded the doctrine that she had made peace with the Boers because she was beaten to her knees by a handful of brave men were teaching people to despise the name and power of England. But that was precisely what the Motion meant, and the story spread abroad throughout the country was that the Government became alarmed and conceded all that the Boers asked. That was the disgraceful statement made, though every child at a board school knew that the prestige of England was not dependent on the issue of a skirmish like that at Majuba Hill. He was not an Englishman, and could hardly speak without fear of misrepresentation of his sympathy with men fighting for their country; but at the time he watched the crisis narrowly, and waited to see whether England would dare to be magnanimous, and whether the Government would have the moral courage to be just. The opponents of the Government had endeavoured to stimulate a desire for revenge, alleging that the national flag had been trailed in the dust, and that nothing but complete victory could repair our military prestige; but he, for one, thanked the Government for what they had done, and, indeed, had never read of any Administration that had more signally exhibited at once its strength and its generosity. Their conduct would not recommend them to those who thought of nothing but military prestige; but they would obtain a verdict from those who desired better things, and from the more thinking part of the civilized world.

SIR WILFRID LAWSON wished to congratulate the right hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) upon having at last obtained a day for his Motion. He would congratulate the right hon. Gentleman also upon the debate as far as it had

gone, and upon the division that might be expected a few hours later. The real question was whether Her Majesty's Government deserved praise or censure for having made peace with the Boers after we had been defeated by them. His hon. Friend the Member for Carnarvonshire (Mr. Rathbone) declared in his Resolution that the continuance of the war would not have advanced the honour or the interests of this country. It was thought by some people that British interests ought to be defended at all costs. The question in dispute between the supporters of the late and of the present Government was whether British interests were to be advanced at the expense of British honour. What interest could there be in expending millions of money and sacrificing thousands of lives in order to rule over a people who were not willing to be our subjects? Therefore, the real question was whether the honour of the country was involved in what had been done. He supposed that when we were told the honour of the country was involved, it was meant that it would not have been honourable to abandon the Natives to a system of slavery. ["Hear, hear!"] An hon. Member said "Hear, hear!" It was nothing of the kind. The question of slavery was the red herring which had been trailed across the discussion all along. [Mr. R. N. FOWLER: No, no!] The worthy Alderman denied that; but he (Sir Wilfrid Lawson) said that when the late Government annexed the Transvaal they had no idea in their minds of making any alteration in regard to those whom they considered slaves in that country. [Mr. R. N. FOWLER: Oh!] He protested against the interruptions of the worthy Alderman. Some time ago he wrote a letter and put it in *The Times*, and in that letter he said that if anyone should bring substantial evidence that when we annexed the Transvaal a single slave was set free he would give that individual £10. The money had never been claimed, and if the worthy Alderman would bring forward his proof the £10 was his. That was what he called a practical test, and if his hon. Friend refused to accept it do not let him call out about slavery again. Mr. Chesson was the Secretary of the Aborigines' Protection Society, and what did he say when he saw his

*Sir Wilfrid Lawson*

(Sir Wilfrid Lawson's) letter? Mr. Chesson wrote another letter to *The Times* in which he said that during the British occupation of the Transvaal the Executive had not interfered with the domestic customs of the Boers. They had had a quotation that night—he would not read it again—but it was a very good one indeed, from a statement by Bishop Colenso, who was known all over the world for the interest he took in the South African Native Tribes, and he said it was all nonsense about the Boers having slaves. It might have been the case some time ago, but there was no proof of it now. The Boers themselves had had a correspondence within the last dozen years or so with our own officials at home, and when charged with promoting slavery they always indignantly denied it, and our own officials had never been able to bring any proof that it was so. [Mr. R. N. FOWLER: Oh!] He would tell something to the worthy Alderman. Some years ago a Portuguese was prosecuted by the Boer authorities for slave-trading. He got off owing to a flaw in the indictment, but he was dismissed from the office he held. We went to the Transvaal to put down slavery, and the first thing Sir Theophilus Shepstone did was to re-appoint this old slave-dealer to his old office. So much for their desire to get rid of slavery. He did not believe all the benevolent projects that were put forward whenever we annexed a country. He did not believe in the benefit of the annexed, but in the benefit of the annexor. The Slavery Question having been worked sufficiently, another start was being made now. We had now got to the loyal Boers. Lord Salisbury had taken them in hand, and a most extraordinary set of people they were. Still, he gave Lord Salisbury great credit for taking them up. The late Lord Beaconsfield invented the Conservative working man, and Lord Salisbury had now discovered the loyal Boers. For his own part, he (Sir Wilfrid Lawson) did not believe in them. He believed they were myths. If there were any he should call them disloyal Boers, for they were disloyal to their own country. They showed an absence of patriotism, and a *bond fide* loyal Boer was a sham and a delusion, like the *bond fide* traveller in England. They were nothing more than a lot of

self-seeking traders, trying to make money out of the Government of this country, and he did not put much faith in their statements. It might be said that he had no right to say that; but he had. What a couple they were whom Lord Salisbury paraded at Willis's rooms! One of them was a romancer, for he made statements which he was unable to prove. He asserted that the hon. Member for Liskeard (Mr. Courtney) wrote a letter to the Boers encouraging them to revolt. But the hon. Member for Liskeard—he did not speak upon this question now—wrote a letter and challenged the man to prove his assertion, saying that it was utterly untrue. Notwithstanding that, this loyal Boer—this pet of Lord Salisbury—had not said a single word in reply. He (Sir Wilfrid Lawson) was, therefore, entitled to say that he was a romancer. As to the other one who attended the meeting, he was a most extraordinary character, because, after Lord Salisbury and other Lords and gentlemen had talked about their antipathy to slavery and their desire to put it down, they said—"Here is another Boer; he will make you a speech." The Boer accordingly got up and said—"I hold slaves myself." There had been nothing like it since the old story of the temperance lecturer, who used to go about lecturing against the use of intoxicating liquors. His brother was accustomed to go with him; and the brother, unfortunately, was in the habit of getting a good deal more alcoholic liquors than were good for him. Somebody said to him—"Why do you go about with your brother; you are generally drunk?" His reply was—"Yes; my brother lectures, and I am the frightful example." In the same way, Lord Salisbury was the lecturer, and the Boer was the frightful example. The defeats of our troops had oppressed the minds of the majority of the House, and they were the next things which were borne in mind when the debate was brought on, and the question came to be discussed. Of course, there was something unpleasant about these defeats—very unpleasant indeed. But the peace which followed had produced an effect never known before; it had made an Irish lawyer blush. Earl Cairns, in referring to it, said he had grieved and wept, but never blushed

before. He had never blushed when 10,000 Zulus were slain. ["Question!"] He had never blushed when he and his Colleagues were stealing a scientific Frontier; he had never blushed when British soldiers hung 87 Afghans, simply for defending their country! Yet, now, forsooth, he blushed because we had stopped a war which we had made in defiance of Treaty, which we had been led into by false reports, and which Mr. Trollope, himself a defender of annexation, declared, in his book, to be the most high-handed deed ever recorded in English history, and a deed which would have cost us millions of money and thousands of lives if we had carried it out to the bitter end. All this outcry that was raised against the peace was a cry for revenge. Even if the Boers were the dreadful people they were made out to be, and he was not there to whitewash them, still they could not be so very bad. When the troubles began, we charged one of them with high treason; but, after a short time, we sent for him and put him in the Government. He had, however, too much sense to go into it—unlike most Members of the House of Commons. It was quite clear that the outcry was simply an outcry for revenge. They said—"What will the world think of it?" The greatest cowards in the world were not afraid of what they did, but what the world would think of it. If they were satisfied in their own consciences as to what had been done, it was enough. Hon. Gentlemen who cried out that we should be supposed to have quailed before the superior power of the Boers were the very people who were lowering and destroying the prestige of the country. This country spent about £30,000,000 annually in armaments, and £1,250,000 in the movement in which Lord Bury and the noble Lord the Member for Haddingtonshire (Lord Elcho) took such great pride. We had a right hon. Gentleman in that House to look after the Army, and an illustrious Duke at the Horse Guards. We had the noble Lord the Member for Haddingtonshire to look after the Volunteers; the House of Commons was full of colonels, although a good many of them had not been accustomed to scenes of slaughter, and to cry out and say that we were afraid of 10,000 Dutch farmers was so absurd that he could scarcely have thought such a fear would have



entered the head even of the hon. and learned Member for Bridport (Mr. War-ton). He (Sir Wilfrid Lawson) did not think our reputation would suffer from doing that which was right. Did our reputation or our honour suffer when we gave up the Ionian Islands? [Mr. WARTON: Yes.] He rejoiced to hear that voice. Did our honour or reputation suffer when we gave up the Orange Free State—a very similar case to this, and admitted to be the wisest thing we ever did in those regions? Would our honour or reputation suffer when we recalled our 40,000 troops from Ireland, and left that country free to govern herself? Did we suffer in consequence of our conduct in the Alabama case, when, regardless of ridicule, regardless of misapprehension, the Government of the day did what was wise and just? He rejoiced that the right hon. Gentleman the Leader of the Opposition was one of those who assisted in that great settlement, rendered at one time so difficult by the conduct of Lord Salisbury, who was now the right hon. Gentleman's suzerain. In regard to the Transvaal, if Her Majesty's Government had not acted as they had done, they would have been false to all their professions and principles, and to the people who placed them in power. In the Mid Lothian campaign, which had already been alluded to in the course of the debate, and which hon. Gentlemen opposite regarded as the source of all the evils which had afflicted this country, the right hon. Gentleman, now Prime Minister, declared that his principle was equal rights to all nations. He rejoiced to see that the right hon. Gentleman had had the courage boldly to carry out that principle, and he hoped the House that night would endorse the action which the right hon. Gentleman had taken. But whether that were so or not, he was quite sure that the wise and most statesmanlike conduct of Her Majesty's Government would be received by the great mass of the people of this country with the warmest approbation.

SIR WALTER B. BARTELOT said, he would only detain the House for a very few minutes. There was, however, one remark which the right hon. Gentleman the President of the Board of Trade made use of which, as an old soldier, he should be very loth to allow to pass unnoticed. The right hon. Gentleman said that the defeat of a few

hundred troops could not be taken as a matter of national importance; and the right hon. Gentleman the Secretary of State for War sat by him in silence while such an assertion as that was being made in the British House of Commons. Whatever opinion hon. Gentlemen who sat below the Gangway might have, he ventured to say there was not a single man who sat there, or in any other part of the House, who did not believe that the devotion of the British soldier to his Queen and to his country was such as to deserve the commendation of every man. A statement such as that made by the right hon. Gentleman was one that was most damaging, not only to individuals, but to the whole of the British Army. There was nothing in this peace—this humiliating peace—which was more to be deplored than the effect it would have on the *morale* and the traditions of the Army. No one ought to deplore that peace more than the right hon. Gentleman the Secretary of State for War; and he (Sir Walter B. Bartelot) could not conceive how a man of such high position, representing the great interests of the Army, could, as a Cabinet Minister, stand passively by and acquiesce in the terms of peace which had been agreed to—terms, too, that were made at such a time and in such a manner. He hoped the right hon. Gentleman would have something to say in the course of the debate with regard to the Army. At any rate, he ought to get up in his place and say something as to the devotedness with which the men defended the outposts, especially at Potchefstroom, where their tents were riddled down to within three feet of the ground. Surely they were men who deserved some commendation for the efforts they had made. The right hon. Gentleman the Secretary of State for War knew perfectly well, as anybody who understood the theory of the art of war knew, that Sir Evelyn Wood would have been perfectly able to turn the flank of the Boers at Laing's Nek, and that the chances were that the war would have been ended without further bloodshed; but, instead of waiting until that was done, the right hon. Gentleman at the head of the Government having taken six or eight months to consider the question, having sent out troops to defend our territory and vindicate our honour, as the country were led to believe from the Queen's Speech he intended to

*Sir Wilfrid Lawson*

do, the right hon. Gentleman allowed the war to go on, when he had it in his power to dictate the same terms without bloodshed, and allowed these actions to be fought. That was the time when the right hon. Gentleman ought to have stood up for the honour and dignity of the country, and future generations would record that it was upon him and upon his Government the blood-guiltiness which he imputed to others rested. That was the question before the House. He did not intend to waste the time of the House by going back upon times and things that were gone by. The real question for the Government to answer was why they did not, at an earlier date, before any effusion of blood had taken place, stop the proceedings which they could so well have done? He asked the Prime Minister to explain the change in the policy of the Government. Those proceedings had a great deal to do with the terms that were dictated. Anyone who read the despatches carefully must see how they were minimized from day to day, and how different the final terms were from those which were first propounded to the Boers. Never in the history of a great country, whatever the feeling for peace might have been, had rebels in arms against their country been asked to come to terms, and such terms as were in this instance accepted, and then allowed to march out of their positions. And where were those positions? Not in their own country, but in ours. He repeated, that never in the history of a great country had such a thing been known before; and he ventured to say that it would be handed down to all posterity that the present Government had humbled and humiliated the country at a time when they had full power to avert any such consequences, without the necessity of going to war at all. The course which had been taken was calculated to affect most prejudicially the interests of the Army. Not one single word had been said for the brave men who had been doing their duty under such trying and difficult circumstances; and he would ask the Prime Minister to stand up and say how it was that, under these circumstances, he had not stopped this effusion of blood?

MR. GLADSTONE: I was in hopes that the hon. and gallant Gentleman who has just sat down, when he appealed to me, was going to express his

anticipation that I should say something as to the sense which the Government entertain of the gallantry of the British soldiers in South Africa. There never was a more baseless charge made than the charge which has been preferred by the hon. and gallant Gentleman against the President of the Board of Trade. My right hon. Friend was deprecating, as I think, the very exaggerated sentiments and statements of those who have treated the miscarriages of the small force under Sir George Colley as if they had implied a great military misfortune to the country; and the reward my right hon. Friend has received for that temperate and prudent representation is that he has been rebuked as if he had been cruelly reviling and depreciating the character of the British soldier. There was not the smallest shade of reflection on the character of the British soldier in the remarks of my right hon. Friend, and to the words of his speech to which the hon. and gallant Gentleman has referred I, at any rate, can heartily subscribe. Now, Sir, I congratulate the right hon. Gentleman opposite (Sir Michael Hicks-Beach) upon having somewhat moderated the tone of his language in this House as compared with what he says elsewhere. Addressing safer audiences, the right hon. Gentleman introduces into political warfare terms which, as far as I know, were unknown there before. [*Cries of "Oh!"*] They may be known to those Gentlemen who cheer me derisively, but I know not whether, in the political societies they are accustomed to frequent, they have been used to hear one gentleman engaged in the public life of this country say of others that he despises them. I am heartily glad to have mentioned the matter, in order that it may be well understood whether the right hon. Gentleman has been mis-reported; but I read from a speech delivered at Stroud, or reported to have been delivered at Stroud, on the 23rd of February, 1881, in which the right hon. Gentleman said that

"He despised the men who, when the annexation of the Transvaal was announced, never, even by vote or voice, uttered a word against it, but who now came forward and told the country they had always disapproved of it."

SIR MICHAEL HICKS-BEACH: That, Sir, is a mis-report. It would be

ridiculous in me to say I despised the right hon. Gentleman, to whom, among others, I was directly alluding. What I said was that I despised the conduct of men who did what I described.

MR. GLADSTONE: It requires more subtlety and acuteness than I possess to realize in my own mind the great value the right hon. Baronet appears to attach to the distinction. I will still say that if a shade is taken away from the bitterness and contemptuousness of the expression which he used, it still remains, as far as I know, a novelty in political life. I have always held that very strong language ought to be used if the occasion justifies it; but in the amenities of political life, I must own that I know of no circumstances in which such a term has been applied by one gentleman to another. I do not speak of myself personally. I have the misfortune to be the man whose conduct is despised by the right hon. Gentleman; but I am very doubtful whether, if that word had been used in this House, the right hon. Gentleman would not have been compelled to withdraw it. A more important point, and one that goes more to the heart of the matter, is a statement which has already been alluded to to-night, but which I think has been left in a condition which requires some clearing up. My hon. Friend the Member for Carnarvonshire (Mr. Rathbone), in his admirable speech—[*laughter*—] I see the hon. and learned Member for Bridport laughs. [MR. WARTON: Not alone.] I venture to adhere to my opinion, notwithstanding that of the hon. and learned Member. My hon. Friend the Member for Carnarvonshire stated to-night that the right hon. Gentleman opposite had said that we waited until after three defeats of the British arms before we proposed our terms of peace to the Boers. I believe the right hon. Gentleman was perfectly correct in saying that no such statement had fallen from him to-night; but undoubtedly he is reported to have said at Cheltenham, on the 8th of June—

“That they (that is, we) thought of blood-guiltiness which never occurred to them before; they thought of injustice which they did not dream of last summer; and they sent out orders that terms should be made with the Boers after we had suffered three defeats. No more disgraceful surrender had ever been made by an English Government.”

I do not know whether I am to assume

that those words are correctly or incorrectly reported.

SIR MICHAEL HICKS-BEACH: Speaking from recollection, I believe that they are correctly reported.

MR. GLADSTONE: Then, Sir, I do not hesitate to say that they are totally without foundation. It was on the 10th of January, as you may learn from the telegrams, that Lord Kimberley stated to Mr. Blyth that we were ready, provided only the Boers desisted from armed opposition, “that Her Majesty’s Government do not despair of making a satisfactory arrangement.” Was not that laying down the basis of a negotiation? On the 26th of January Lord Kimberley went somewhat further, and in a telegram to Sir Hercules Robinson he said—

“I have to instruct you to inform President Brand that, if armed opposition should at once cease, Her Majesty’s Government would thereupon endeavour to frame such a scheme as in their belief would satisfy all intelligent friends of the Transvaal.”

That was on the 26th of January. The first of the three unhappy engagements of Sir George Colley was not fought until the 27th; and the right hon. Gentleman ventures to state that it was not until after his three defeats that we entered upon overtures for peace. I venture to affirm that the dates and the words I have quoted prove that the heat of the right hon. Gentleman carried him entirely beyond his recollection of the circumstances, and that our offers, instead of following the three defeats, preceded the very first of them. [“No!”] Well, Sir, let us consider for a moment what kind of an inheritance was left to us in the Transvaal. Something very like what we received from the late Government in other quarters of the globe. In 1852 we solemnly covenanted—it was done, as it happened, by a Conservative Government, but it expressed the universal sense of the country, for at that time the traditions of both Parties were as nearly alike as may be on questions of this class, and they continued the same until, in the disastrous experience of the last six or seven years, they came to be changed—in 1852 we solemnly engaged to respect the independence of the Transvaal. That was by a Treaty formed between us and the representatives of the Boer population. What right had we to infringe that Treaty?

*Sir Michael Hicks-Beach*

What right had we to make ourselves the judges of that Treaty, and then set up the miserable plea in the despatch of the right hon. Gentleman opposite that there was an implied reservation in that Treaty—an implied reservation which made us parties competent to deal with it as we did deal with it? Why, Sir, what a doctrine to apply to the whole formation of Treaties that are to bind nations together, and the very essence of which is that no party can under any circumstances have any title to import into a Treaty, of his own motion, that which the Treaty does not contain. Sir, most unhappily, Her Majesty's late Government—"Question!"—I seem to hear a cry of "Question!" from the quarter opposite. Are hon. Members not aware that the right hon. Gentleman himself, with perfect propriety, in the earlier portion of his speech went back upon this portion of the history of the question. Well, Sir, an unfortunate error entered into the policy of the late Government, and, I think, precipitated them in their career. It was a premature, though no doubt a well-meant, attempt to bring into South Africa that principle of Confederation which is most admirable where your Colonies are prepared for it, and where they obtain it in thorough conformity with their own desires, but which it is rash and dangerous to attempt to force upon them. That attempt at a policy of Confederation was part, unfortunately, of the measures which led us into these difficulties. We had no right to break that Sand River Convention, except on the ground of offence on the part of the Boers against ourselves; but, unfortunately, we broke it upon pleas relating to matters of remote apprehension and policy which invested us with no title at all to deal in such a way with a solemn instrument so contracted. If we are to talk of loyalty; if we are to talk of honour; if we are to talk of humiliation; if we are to talk of blushing, it is those who deal with these solemn instruments in a manner so unscrupulous who ought to be very careful how they throw these stringent and formidable terms at their opponents. Well, Sir, the annexation was then brought into contemplation; but it was only brought into contemplation if it was agreeable to the will of the people, or of a sufficient number of the people. I presume there was a real

belief on the part of Lord Carnarvon and of the right hon. Gentleman that a great majority—which I presume is what they meant by a sufficient number—that a great majority of the Boers were favourable to annexation. But very soon after that annexation, out of 8,000 White adult males, 6,600 signed a declaration remonstrating against the annexation and declining to accept it. It was alleged that that Petition was obtained by intimidation, and through undue influence. I can conceive of a charge of that kind where a Petition is promoted by the ruling Power; but this was a Petition which expressed the sense of the people adversely to the ruling Power, and, in the circumstances, it was impossible for you to have a more genuine, effective, and legitimate expression of the sense of the community at the time. We have heard much to-night of the interests of the Natives. I want to show how this annexation operated upon the interests of the Natives, and I call in as a witness the hon. and learned Member for Chatham (Mr. Gorst), who has reminded us to-night that that destructive and dishonourable Zulu War, which slaughtered thousands of innocent men, and which inflicted upon British arms the most serious disaster that they have sustained for one generation of men, was the direct consequence of the annexation of the Transvaal. It was the unfortunate necessity under which we lay of conciliating, or attempting to conciliate, the Boers when we had established interests of our own in connection with them that led us into that sanguinary war. I must, of course, observe that I cannot greatly censure, but I may lament the fact that the Government established over the Boers was a Government alien in its spirit to British institutions and to our established Colonial practice. It was a despotic Government—to all intents and purposes a despotic Government—and a despotic Government established for whom? The hon. and learned Member for Meath (Mr. A. M. Sullivan) has gracefully and generously alluded to the fact that he, from his religious point of view, has not, and could not have, any special sympathy with these men. But who are these men? They are the descendants of the Calvinists of the United Provinces who defied the power of Spain, the greatest military Monarchy of Europe at that epoch, and of the French

Huguenots, who maintained such a contest against the dominant party in France that they obtained from the wisdom of Henry IV. the famous Edict of Nantes. These are the men who, rather than submit to what was adverse to their convictions and their consciences, went across the seas, even as our own Pilgrim Fathers went across the seas, to save their religion and their freedom, at the sacrifice of their homes and all their home associations. Well, these were men with regard to whom we ought to have known that we were dealing with persons not to be trifled with—that we were dealing with persons of extraordinary vigour and tenacity of character—of a character, perhaps, in some respects not unlike that which we boast of for ourselves, and certainly, I am afraid, capable of being compared with ours in those weaker points which hon. Gentlemen opposite do not seem to recognize at all as belonging to us—namely, that we have not always been the tenderest and gentlest in the world towards subject races, or the most generous in our treatment of indigenous races, or in our dealings with the institution of slavery. Well, Sir, the Transvaal was handed over to us with a moderate military force; it had been reduced to 10,000 men, with prospects of difficulties, perhaps; but difficulties we were bound to measure according to the best information we could obtain. That information was to the effect that gradually the Boers were departing from their sentiments of alienation for the British Government. Was it our duty—would it have been allowable or tolerable in us to have overthrown and set aside that information? On the contrary, we endeavoured to estimate it as fairly as we could. It came from men of honour and men of intelligence—from men in the service of the Crown, who were unanimous in their representations, and the representations which they made of the constantly improving sentiments of the Boers were associated at the time the present Government came into Office with an assurance we received on the part of Sir Bartle Frere, that it was not improbable—on the contrary, that he had sanguine hopes that, at the meeting of the Cape Parliament, the question of Confederation would be seriously taken in hand. That was the main reason which determined us in advising that no

change should be made in the then existing state of things. There was not the slightest reason, in those circumstances, to suppose that we were travelling towards a state of violence and war. There was given to us this authoritative statement as to the plan of Confederation, which, if it could have been brought about, undoubtedly would have solved the great civil and political problem before us—namely, of giving perfect local freedom to the Boers in the management of their own affairs. That was what influenced the first decision of the present Administration. And so things went on until Confederation failed in August, and Sir Bartle Frere was recalled. What did we do? We could not venture to proceed in South Africa, where we had no confidential Agents of our own, upon a matter so delicate and difficult as that of granting free institutions to the Boers until we knew who were the men who were to conduct this difficult task. We therefore chose a gentleman of great ability and experience, Sir Hercules Robinson, to go to South Africa for the purpose of taking this important business in hand. Unhappily, before he arrived, the war broke out; but down to the very eve of the breaking out of the war we continued to receive the same assurances that the minds of the Boers were settling down, that those who were averse to us were passing into a minority; and, in fact, such were the professions held out that we had every reason to believe—and I do not hesitate to say that it was at that time our duty to believe—that the Boers had abated their original stiffness of intention, and that, provided we could give them full freedom of government, we should have no difficulty in establishing a satisfactory arrangement with them. Well, Sir, I come now to the outbreak of the war, and to observe upon some of the conflicting charges which appear to be made against us. The right hon. Baronet says that an overture was made in the Cape Parliament, by some of its Members, for the appointment of a Commission to inquire into the state of affairs in the Transvaal, and he says he is quite at a loss to conceive why it was we considered that overture inopportune. I will give the reason at once. First of all, it was because, at the time it was made, we were not in a condition to say that we had placed the authorities in South Africa

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in a position to vindicate the Queen's authority; and, secondly, because it came from persons who, however benevolent, had no *locus standi* in the matter, and had we been so imprudent and precipitate as to act on that overture we might have been justly repelled by the Boers with an answer which would have been eminently disagreeable. A very short time after that proposition was made the state of things materially changed, and it became necessary for us to advise the Crown to state in the Speech from the Throne that it was our duty to vindicate the Queen's authority in South Africa; and a pointed question is put by the hon. and learned Member for Chatham (Mr. Gorst), which I admit to be a perfectly fair question, as to what happened between the time when the Queen was advised to state that her authority must be vindicated in South Africa, and the time when we entered into negotiations for peace. We have got now to the point when we declined to enter on a merely unauthoritative overture. The most essential point, in our opinion, had become perfectly clear when the war broke out that we had two duties to perform. The first was to accumulate in the country what might be conceived to be an overwhelming force, and, by an overwhelming force, I mean that which was actually sent there—namely, a force of Regular troops, independent of any aid which might be received on the spot—a force of Regular troops of all arms, greatly outnumbering the force which the Boers were bringing to bear. But our second duty was to look for the very first opportunity of making peace. But that was not afforded simply because two or three Members of the Cape Parliament said we could send a Commission. We could not expose the authority of the Queen to repulsion and insult. It was impossible to send a Commission to the Transvaal until we knew how it would be received there. But we acceded to a proposal that a Commission should be appointed when Mr. Kruger, the Civil head of the Boers, himself made a proposal that a Commission should be sent, and this proposal made, as we knew it to be on behalf of the Boer Government, and with the consent of the Boer people, was an offer which made us believe that the door was open, and that that door ought not by any wanton or hasty action

of ours to be closed. Well, Sir, it was our duty, as I have said, to look out for an opportunity of making peace; but it has been said that we have done nothing to vindicate the Queen's authority. Now, my answer is that we have done everything to vindicate the Queen's authority, except the shedding of more blood. To this issue we shall bring this matter. I say that the first thing we did to vindicate the Queen's authority was to accumulate an overwhelming force in South Africa. Sir, are these patriotics to laugh at the force which was accumulated in South Africa? or am I not right in saying that it was a powerful and overwhelming force; that it was a force of Regular and trained troops of all arms, fully equipped and prepared, and exceeding in numbers the whole amount of individuals in the Transvaal with whom it might be brought in contact? Sir, I call that an overwhelming force. We also required that the first overture should come, not from us, but from the Boers, and the first overture for peace came from them. We did not make it. We should not have thought it consistent with our position, or with the dignity of the Queen, to make it in the actual state of affairs; but we thought it our duty to accept it, and, in my opinion, if we had not accepted it we should have incurred a heavy responsibility, and deserved the censure which is now sought to be cast upon us. But, Sir, we used an expression in all our telegrams that we should require the Boers to desist from armed opposition. That expression was used on the threshold of these communications; but, when we were further advanced into them, then, of course, it became necessary to interpret that expression, and we did interpret it by requiring that the first act, in order to enable negotiations to be instituted, should be the dispersion of the armed force of the Boers. That is what I call an ample and sufficient interpretation of the phrase we had previously used of desisting from armed opposition. And, Sir, finally having done that, it is to be remembered that at this very moment the only collected forces in the Transvaal are the forces of Her Majesty, and that during the period through which the negotiations extend, it is the name of Her Majesty which alone is of authority in that country. Therefore, I say we have vin-

dictated the Queen's authority in all ways except by the shedding of more blood; and I call upon you to show me, and not a man in the debate of this day has shown, in what other way it could have been vindicated except by the way of blood. Then I am told there was a change on our own part. There was no change on our part whatever except that we developed in detail the expressions that we at first used generally; and I affirm, and I think I shall not be contradicted, when I say that the expression "desisting from armed opposition," might, perhaps, have borne some more qualified construction than the strong construction that we put upon it when we required that, as the very first step of all, the armed forces of the Boers should be dispersed. Sir, I repeat, there was no change on our part. What is complained of on the other side is that we did not change in their direction; that we did not, in consequence of the unfortunate miscarriages to the forces put in motion by Sir George Colley, say—"Although we might have treated with you before those miscarriages, we cannot do so now until we offer up a certain number of victims in expiation of the blood that has been shed; until that has been done, the very things which we believed before to be reasonable, and which we were ready to discuss with you as reasonable, we refuse now to discuss, and we must wait until Moloch has been appeased." We contend that that would have been an unjust and cruel method of procedure. I will go so far as to admit this. Had those three unhappy movements been movements of the Boers themselves against us, then, indeed, it would have been at least plausible, perhaps reasonable, to say that we could not afford to deal with them until there had been further military operations. But considering that the Boers had nothing whatever to do with those movements—*[Interruption, and "Hear, hear!"]* Mr. Speaker, I am really very sorry to observe—and I do not wish to be impatient—that in a particular portion of the House there are methods in practice which are not usual in this House, which are not conformable to Parliamentary practice, and which make it somewhat more difficult than it otherwise would be to give hon. Members that satisfaction for which I have no

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doubt their understandings are longing. But, Sir, I have just stated that the Boers had no share whatever, except a defensive share, in those military operations; and that being so, I put it plainly to the House that it would have been most unjust and cruel, I believe it would have been cowardly and mean, if, on account of those operations, we had refused to go forward with negotiations which, before the first of those miscarriages had occurred, we had already declared we were willing to promote and undertake. When criticisms of this kind are made, it is a fair thing to ask what is the alternative policy offered by the right hon. Baronet; and, above all, what is his alternative policy, not merely in relation to the military question, but in relation to the ultimate destination of the country? Why, all his promises of free Government to the Boers vanish into thin air. He has to-night propounded the doctrine that such a Government as prevails in a Crown Colony is no unfit Government for the Transvaal under the Boers. He has propounded it in a circuitous but intelligible manner. He has quoted it as the opinion of gentlemen entitled to respect. He said it would be necessary for us to keep the Government in our own hands. He said it would be necessary for us to keep our control over all local Courts of Justice. Our control over all local Courts of Justice! Is that our idea of free Government? But for our Colonial institutions, would he, as Secretary of State for the Colonies, have dared to broach such a doctrine to the free people of Canada or to a single one of our Australian Settlements? The right hon. Baronet evidently has in his head something like the old re-actionary system of Colonial Government from Downing Street, and that it was under that Downing Street Government that he intended to place the Transvaal. In my opinion, it is not only the perfectly clear intention of the words of the right hon. Gentleman, but it is a most serious fact indeed for the consideration of the House. I will refer to it again in a moment; but I ask now, what would have been the military upshot of this policy? I have no doubt that he would have been able to crush this small and gallant people. They would have offered him a resistance which would have been famous in history, and which would have excited the

sympathy of the civilized world. He would have been able to crush them, no doubt, after, as I believe, unlimited bloodshed, and leaving behind him most painful and bitter recollections—after bloodshed including, and including largely, those loyalists and those Natives of whom he has been the advocate to-night. Was this to be carried on from generation to generation? After the Sand River Convention, the breach of it, the annexation, the proof brought out at last beyond all doubt that the enormous majority, the overwhelming majority of the European population not of English origin, were bitterly averse to English rule, were we to go on in that remote region of the earth keeping down these people generation after generation by the tyrannous action of brute force? Were we to tell them that we must have control over every Court of Justice in the country, and that there were very wise men who thought that the system of justice and of government known as that of the Crown Colonies would be very suitable to the Transvaal? That is the policy the right hon. Gentleman offers to us as an alternative to the one we have pursued. What is the policy we have pursued? There was one sentence in the speech of the right hon. Gentleman with which I perfectly agree. He spoke of the difficulties of the South African Question. For 40 years I have always regarded it as the one great unsolved, perhaps unsolvable, problem of our Colonial system. I do not doubt that we have sacred and solemn duties imposed on us in this matter both towards the English Party whom we call "loyalists" and likewise towards the Native tribes of South Africa. This has never for a moment been disguised; but I do not for one moment admit that the course we have taken has involved neglect or disparagement of the interests of the populations of the Transvaal. Our duty towards the loyalists is plain. It is to obtain for them, in the first place, compensation for the losses they have sustained according to well-understood rules—losses in consequence of the war, for example, in fines levied upon them for not taking up arms against us. Besides that, it is our duty to secure for them that they shall remain in the country on terms of perfect equality with the other inhabitants. Those are our duties to the loyalists, and we have

put these people in such a position that they will no longer have reason to find fault. Now, as to the Natives, I want to know whether any other course than that which we have pursued would have been more favourable to them. What are the courses that might have been pursued? There are four that might have appeared possible; but two of them I reject. I do not think that with the view we take of our obligations in this matter it would have been possible for us to recognize the Transvaal State simply as a foreign Power, even to the extent to which it was recognized by the Sand River Convention. It was our duty to make such reservations in establishing practical and virtual independence as should enable us to secure interests that we were bound to cherish. I, therefore, set that aside; but there is a second course—that of the right hon. Gentleman, which I likewise set aside. I cast aside the plan of governing the people of the Transvaal by the officialism of Downing Street as visionary and impracticable. I put aside the notion that the Boers were a set of people who would have rested content, or who would have thought of resting content, with even the largest amount of liberty under such a form of Government. There were two other plans—one, that of giving a Colonial Constitution as it is now understood and widely practised, with real and responsible government. We might have offered them that; but I do not believe it would have been acceptable. I am not going into arguments for the purpose of testing them; but I do not think they would have accepted that offer if it had been made to them. After all that had occurred it became necessary that there should be some plan fixed and agreed upon between us, so that they should know what obligations they were under to us, and that we should have no powers except such as were well understood by them. That is the plan which we have actually adopted. I apprehend that the term which has been adopted—"suzerainty of the Queen"—is intended to signify that certain portions of sovereignty are reserved, and are expressly reserved; but that all that is not reserved is given up. That is the meaning which I think we ourselves should attach to the term. What are those portions of sovereignty? The portions of sovereignty that we



desire to reserve are—first, those which relate to the relations between the Transvaal community and foreign countries—the whole care of the foreign relations of the Boers. Those foreign relations are not altogether unknown to the Boers in their brief independent existence. They had communications with various countries of Europe, with various considerable countries of Europe; but the whole of these relations in the future will remain in the hands of the Queen. But what was still more important was that we should reserve sufficient power to make provision for the interests of the Natives. And this reservation of foreign relations was a most important one as regards the interests of the Natives, because a very large portion of the Native interests of the country involve the Natives beyond the Frontier of the Transvaal. Therefore, the whole of the interests of the Natives beyond the Frontier of the Transvaal will be retained in the hands of the British Government by the retention of the suzerainty. As to the interests of the Natives in the Transvaal, I can only say that we have decided on and embodied in the fixed terms of the instructions by which the veto of the Crown will be reserved over any law enacted in the Transvaal concerning the Natives. Well, there are other arrangements in progress of which I cannot now speak, because they are not completed; but they involve, not only the holding of lands by Natives, but allocations of considerable portions of territory, as a preliminary measure to the establishment of some organ or authority that shall be able to safeguard the interests of the Natives so established in the country. But what I would point out is that it is our opinion that the provisions which we have made in an engagement of this kind with the people of the Transvaal, whether they give us sufficient power or not for maintaining the interests of the Natives, give us a great deal more power than we should have had if we could have established that kind of Colonial Parliamentary government with responsible Ministers. I do not hesitate to say that our power of interference on the part of the Natives would be infinitely greater than if the Government in the Transvaal were like that of Canada. In what respect do the Canadians fall short of the absolute management of their

own internal concerns? Supposing there were a great body—which, happily, there is not—of Natives in Canada, what power should we have of securing the interests of those Natives? Are hon. Gentlemen aware that more than 30 years ago the Queen had to set her hand to an Act of Parliament passed in Canada which required persons who had suffered losses in the Canadian rebellion, and which required and compensated the losses of rebels as well as those of loyalists? Are hon. Gentlemen aware of that? And I ask them, if they are, what sort of power of interference do they think we should have had on the part of the Natives, or for any other purpose, if we had established such a system in the Transvaal? It is true you have retained a veto in Canada; but you know that that veto never has been, and never will be, exercised in a matter of the slightest consequence. You never can go into collision with the feeling of the people of your Colonies when once you have granted them free government. Now, I contend that by separating this veto upon laws relating to the Natives from any general interference with the business of the country, with regard to which the Transvaal community know they are perfectly secure, we have put ourselves in a position to make use of that power, and provide a far more efficient safeguard than we could have had for the interests of the Natives if we had retained the Transvaal in the Colonial connection. But the truth is, as I have said, that hon. Gentlemen opposite do not really believe that they could—nay, they do not really believe that they ought—to give local liberty to the people of the Transvaal. And it is not now so much a question about the name of local liberty. There can be no greater liberty than that which is enjoyed by the people of Canada as to the whole of their internal concerns. That is practically the condition of the people of the Transvaal; and that is what I am firmly persuaded the right hon. Gentleman means we ought to have denied. ["No, no!"] But his own words, which he does not deny, and of which I have given a specimen, were to the effect that we ought to have control over every local Court. What is the plan which is offered to us as an alternative of our own—the plan our not following which is made the

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subject of a Vote of Censure upon us in this House? It is this—that we should have withdrawn from what we had said on the 10th of January—namely, that if the Boers desisted from armed opposition some agreement might be come to. It is said now that we withdrew, not because they desisted from armed opposition, but because they had strenuously defended themselves in a manner which was altogether inconsistent with their desisting from armed opposition. We were, then, to withdraw from the terms we had offered, and were to proceed to execute military operations. The hon. and gallant Gentleman who spoke last (Sir Walter B. Barttelot) assured us, upon his military credit, that Sir Evelyn Wood would have out-flanked the Boers, and so have put an end to the war without bloodshed. But, great as may be the authority of the hon. and gallant Member, that is not the language of Sir Evelyn Wood. He does not disguise from us that what he expected was a battle with the Boers, and a defeat. I cannot mention the name of that distinguished man without expressing the debt we owe to him for the qualities, both civil and military, he displayed; and, although on that point we frankly differed from him, we should not have been justified in casting on him our responsibility, and we declined to proceed to further bloodshed. But if we had proceeded to further bloodshed, under what circumstances should we have done so? We should have left in the minds of those men who, I believe, are now generally animated by kindly and, to use their own expression, loyal feelings towards the Queen as their Suzerain, bitter and lasting hatred. We should have squandered more millions of treasure—though I hardly mention such a thing in the company of much greater matters—in addition to the £8,000,000 mainly spent, but partly remaining liabilities, which are the result of the happy proceedings of the late Government and the late Parliament in South Africa. But we should have done much more than that. The right hon. Gentleman opposite seems to forget that the Boers of the Transvaal are not the only Boers of South Africa. He seems to forget that the Orange River Free State is close by, and conterminous with, the Transvaal, and that the strongest sympathy pervades the minds of all the men of

Dutch descent with whom the Boers are inextricably mixed throughout South Africa. With your schemes of war you would have run the risk of the most deadly contagion of sympathy spreading from the Transvaal into Natal, into the Orange Free State, and over the whole length and breadth of South Africa. So that their calculations were dangerous and hazardous calculations to enter into, and it would have been as rash as culpable to act on them. They do not mend matters when they refer to taking the Natives for their allies. The right hon. Gentleman opposite gave it as one of the complaints of the Native Chiefs that they were not allowed to fight for us.

SIR MICHAEL HICKS-BEACH: I said they were very properly not allowed to do so.

MR. GLADSTONE: I did not catch that; but I am very glad to hear it. I am afraid the establishment of a partnership in such a war would have been found a very inconvenient and difficult thing. There is one other matter I think it worth our while to bear in mind. We should have made this war, first on the Transvaal, but too probably, in the end, upon a very large portion—nay, on the whole of the Dutch population, of South Africa, which numbers two to one of the English. We should have made the war at an enormous cost, with immense difficulty, and with the strong disapproval of the civilized world. But what should we have made it for; and when we had ended the war what should we have done? We should have done the very thing we have now done. We should not have wished to keep under the sovereignty of the British Crown these unwilling and reluctant subjects. We should have been glad to give them the very liberty we have conferred on them. We have attained that end without bloodshed—for the blood-shedding that occurred, as is well known, was due to local counsels. This is what we have done. We have chosen to attain the end we had in view and to confer liberties which we knew we ought to confer without carrying a most painful and dishonourable warfare—a warfare which would have done nothing to increase the general fame or credit of England. Sir, these are the grounds on which we have proceeded in the Transvaal. Our case is summed up in this—we have endeavoured to cast aside

all considerations of false shame, and we have felt that we were strong enough to put aside these considerations of false shame without fear of entailing upon our country any sacrifice. We have endeavoured to do right and to eschew wrong, and we have done that in matters involving alike the lives of thousands and the honour and character of our country; and, whatever may be the opinion of Gentlemen opposite, we believe we are supported, not only by the general convictions of Parliament, but by those of the country. From the remotest corner of Anglo-Saxon America have come back to us echoes of the resolution we have taken—favouring and approving echoes, recognizing in the policy of the Government a higher ambition than that which looks for military triumph or territorial aggrandizement—an ambition which seeks to signalize itself by walking in the plain and simple ways of right and justice, and which desires never to build up empire except in the happiness of the governed.

SIR STAFFORD NORTHCOTE: There is much, Sir, in the speech to which we have just listened, and much in what has been said in the debate, upon which, if the hour were not so late and the opportunity were favourable, it would be tempting to offer some observations. I should be very much tempted, if we were in a position properly to do so, to offer some observations on the statements made by the Prime Minister with regard to the arrangements which are now in the course of completion, and which, I suppose, we shall soon be made better acquainted with, for the future government of the Transvaal. But we cannot, with any advantage, enter upon a matter like that at the present moment. We have not the Papers before us—we do not even know that the Convention has been concluded. I will, therefore, only say at the present moment that, whatever the arrangement may be, I believe we shall find that there has been in the policy of Her Majesty's Government matter which will weaken and embarrass any settlement at which they may arrive, because I believe it will be found impossible to arrive at any proper settlement and solution of the great difficulty of governing in this part of South Africa, or any other part, without proper regard to the authority and strength, and—if I may

use a word so often used—the prestige of the British Government. I say that because, by the course which has been adopted, we have materially weakened that prestige—I do not say weakened in the eyes of the world or in our own sight, but in the sight of these South Africans with whom we are especially concerned. The course which has been pursued and the action of Her Majesty's Government cannot fail to have weakened that prestige; and if we are to maintain our just settlement in the settlement of questions which will arise, we shall find that we have greater difficulties than if greater wisdom had prevailed. But I will not attempt to enter into the discussion of arrangements which are now being made. We are called upon by the hon. Member for Carnarvonshire to express our confidence that these arrangements will be satisfactory; but, for my part, I do not feel that confidence. I do not see the grounds for it. They may or may not be satisfactory. I hope they will be; but, at the present moment, so far as I can see, we have no ground for expressing confidence in those arrangements, except in so far as we are disposed to place implicit confidence in the wisdom of the present Government, and I shall not be surprised to see all those who have that confidence vote for the Amendment of the hon. Member for Carnarvonshire (Mr. Rathbone). But, leaving that part of the question aside, I wish to direct attention, as far as possible, to the actual Motion which is before us in the shape of the Resolution of my right hon. Friend the Member for East Gloucestershire (Sir Michael Hicks-Beach), and the issues between him and the hon. Member for Carnarvonshire which are now presented to us. I wish to say, in the first place, that the House, before it goes to a division, and a decision on this matter, must endeavour, as far as possible, to concentrate its attention upon that which we particularly challenge—which is not one particular event in the course of Her Majesty's Government, but the whole course they have pursued since they had the management of these affairs. There are other matters into which I should very much like to enter and offer some observations upon. I should naturally be tempted to say something with regard to the attacks made on the conduct of the late

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Government. I feel very little difficulty indeed in answering many or most, if not all, of the criticisms bestowed upon us; but I feel, at the present moment, that we are not bound to go into that question as if the question at issue now was between our management and the management of the present Government. It is an ingenious way, no doubt, of evading a difficult question, and I have observed that many of the speakers on the opposite side have been very much more ready to find fault with the late Government than to defend the present Government. I will say a few words with reference to our proceedings. I deny altogether the kind of imputation which is thrown upon us of having broken up Treaties and annexed territories, as if we desired to increase the British Dominions. That is an entire misapprehension of what took place at the annexation of the Transvaal. It was not a deliberate and spontaneous choice of our own. It was a matter which was forced upon us by circumstances over which we absolutely had no control. Contrast the position we were in with the position in which the Government have been since they have had the direction of affairs. We had no telegraph to Africa as you have, and communication could not be made as rapidly. We had no warnings, such as you had from President Brand, at the earlier part of those transactions. We were, on the other hand, pressed by the imminent danger in which we saw the State of the Transvaal, which was in a condition of internal anarchy and bankruptcy, and threatened with serious consequences from Natives upon its borders. We had to bear in mind the consequences to those for whose safety we were responsible; and it is my firm belief that at the moment that annexation took place it was a step which saved the State from the ruin that must have fallen upon it. The difficulty was solved; but the spirit of those who, at the moment, I believe, were only too glad to accept our assistance, changed, and, no doubt, a different feeling began to prevail. It was, no doubt, a question how far that feeling prevailed; and the evidence, gradually accumulating, showed that there was a stronger feeling against annexation, on the part of the Boers, than we had at first any reason to believe. If we had remained in Office, we should have gone on on the

lines we had already acted upon. We were desirous to arrive at a conclusion by which, if the Boers had accepted the sovereignty of the British Crown, we would apply to them any system of proper government which would give them that measure of representative institutions and that measure of local self-government which might be reasonably desired by them. But we were turned out of Office, and the present Government came into Office. They came in with every advantage for dealing with this question. At the moment at which they took Office the feeling among the Boers had begun to make itself tolerably clear. They were beginning already to have some reason—and in their own view, no doubt, they considered they had strong reason—to believe that annexation was inevitable; but did the Government—in accordance either with the views they had expressed in Opposition, or in accordance with the views we have heard to-night of the extreme sanctity of the Sand River Convention, which ought to have overridden everything—did they proceed at once to say—"Our consciences will not allow us, in face of a violated Treaty, to be here, and to retain this Republic in the form of a Monarchy. We must at once take steps to reverse that policy?" If they had taken such a step as that, it was frankly acknowledged by the President of the Board of Trade that, at the beginning of their administration, they had the power of coming to an arrangement with which we might or might not have been content. It would have been of little consequence to them whether we were or were not content; but they had the means of carrying such an arrangement into effect, and if, with the views they hold, they had proceeded in that direction, no one would have charged them with incompetency or anything like vacillation of purpose. But what did they do? They endeavoured to do that which we had been endeavouring to do. They pushed forward a scheme of Federation, and followed the advice of those who had the administration of South Africa. They tell us now—"Those were gentlemen whom you placed there, and we are not responsible for acting on their advice, because we thought we had better follow the advice of those on the spot." Right hon. Gentlemen have no right to use language of that kind.

They had been in Office nearly 12 months before this serious crisis arose. During that year they had had the administration of affairs in their own hands. They had the power, if they chose, of recalling or superseding any Administrator with whom they were dissatisfied; and if they had not confidence in any Administrator or gentleman there, they have no right to turn round and say—"We are not responsible because we did not appoint them."

MR. GLADSTONE: Who said so?

SIR STAFFORD NORTHCOTE: The President of the Board of Trade.

MR. CHAMBERLAIN: I never said anything of the sort.

SIR STAFFORD NORTHCOTE: If I have misrepresented the right hon. Gentleman, I beg his pardon; but that has been the tenour of the remarks on the reasons given for the attitude the Government maintained. They told us they were acting, to a considerable extent, on the advice of officers—such as Sir Owen Lanyon and others—who had been appointed in the time of their Predecessors, and they conveyed to the House the idea that they considered themselves as not responsible. I am glad to see that that is all swept away, and that they accept the responsibility for what has taken place. I hope they will do something else, and that the Prime Minister will explain that he did not mean all that he seemed to mean when he spoke of those actions which resulted in the death of so many of our brave soldiers as being due, not to the action of the Government, but to local counsels. I think there was something ungenerous in that; 733 British soldiers and officers were killed and wounded in those actions, and then we are told that we are people who are ready to shed blood in order to enforce a policy in which we believed, and that the blood was shed to support a policy in which they did not believe. We talk of blushing. I think arguments of that sort are among the arguments that make one ashamed of himself. The course of policy the Government have adopted is what we challenge. We do not single out any particular moment, and say because you made peace at that moment, or sent that telegram, or did something else, therefore we challenge your policy. We say your policy was faulty as a whole. If you had followed either of the

two lines open to you we should not have made this objection; but you pursued first one line and then the other. It is in consequence of that change, it is in consequence of the vacillation which must necessarily lower the opinion of all those people in South Africa who have witnessed what has taken place, that we say your course of policy has been faulty. It has not vindicated the authority of the British Crown. We had a comparison made just now by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). He compared the course taken by the Government on this occasion with the course taken in the case of the Alabama Claim. There could not be a greater contrast. Some think that that arbitration was right, and some think it was wrong; but, undoubtedly, that was an arbitration entered into to prevent a quarrel—to prevent a war that might have broken out—but not in the middle of war; not after you had sent out your ships and lost the lives of a portion of your forces; not when you were apparently in a position of inferiority in the field or on the ocean. No; that was done as the Government might very well have done—as they might have come forward in the early part of last year, and said—"We are ready to face any taunts, any charges of timidity, or anything else; but we will do that which we think best. We will restore the Transvaal; we will send out a Commission, and we will do anything that is necessary." Had they taken such a step as that, there could not have been a voice raised against them. But what was done was, first of all, to hold strong language—language which the greatest fire-eater among us would find it difficult to excel—arguments as to the impossibility of allowing any negotiations to take place until the Queen's authority had been vindicated. After they had put that well forward, and made it well known both here and in Africa, all of a sudden they changed their course; and at what a moment did they appear to change! They say they changed before the disaster. I will come to that in a moment. The point we have to consider is this—that, as far as appeared to the world, as far as appeared to the people of South Africa themselves, it was undoubtedly in consequence of the defeats which they had sustained that the change

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took place. Now we are told that we are not acting fairly towards them with regard to their proposals, and about these telegrams. We are told that they had begun the negotiations long before the defeats they have sustained. Well, but I want to know, if they had begun these negotiations—if they had made up their minds that there was to be a settlement—can there be a greater condemnation of their policy than the fact that 733 lives were lost? There may not have been a want of skill—there may not have been any question of want of courage; we cannot for a moment suppose—no Minister of the Crown will for a moment think we can suppose—that it was not in the power of the British Government, with the forces they had sent out, to overcome the resistance of the small number of Boers opposed to them. Nobody can doubt that we were perfectly aware of it. But what took place shows that, in the negotiations which they conducted, they were conducting them with divided minds. We are referred, in the first place, to the proposal that was made on the 11th of January. That was a communication from Lord Kimberley to Sir George Strahan. It is, I think, the first telegram from Lord Kimberley, and it says—

“Mr. Blyth, the Consul of the Free State, has received from the President the following telegram:—‘Don’t believe the malicious fabrications about the Free State. We only wish to secure peace and prosperity over the whole of South Africa, and we fervently hope that efforts will be made without delay to prevent further bloodshed.’ I have requested Mr. Blyth to inform the President of the Free State that if the Transvaal Boers will only desist from armed opposition to the Queen’s authority, Her Majesty’s Government do not despair of being able to make a satisfactory arrangement.”

That is certainly not going very far. If the Boers were to begin by giving up their armed opposition, Her Majesty’s Government did not despair of making some favourable and friendly arrangement. That is certainly not going very far towards opening up friendly communications. Later on it comes in a more formal manner. On the 26th of January we have a telegram from Mr. Brand, to whom I wish to pay the highest tribute of respect for his whole conduct in the matter. If he uses curt language, he must have felt not a little astonished at the course pursued by the Government. He asked—

“Is it not possible to offer the people of the Transvaal, through Sir Hercules Robinson, certain terms and conditions, provided they cease from armed opposition, making it clear to them how this is to be understood?”

That is President Brand’s proposal, which he made through the High Commissioner to the people of the Transvaal. What is the answer to that?

“I have to instruct you that if armed opposition should at once cease”—that is the condition precedent—“Her Majesty’s Government would thereupon endeavour to frame such a scheme as in their belief would be satisfactory to all enlightened friends of the Transvaal community.”

That is the cordial way of beginning the discussion with a view to a settlement. And now let me call attention to this, which is the answer received to this communication. It is exceedingly civil. It is dated January 29, and is the reply of Sir Hercules Robinson to Lord Kimberley—

“President Brand writes to me with your answer suggesting that the Transvaal people should be informed of it forthwith, before the satisfactory arrangements you contemplate are made more difficult by further collision.”

That is very sensible on the part of President Brand. But, while it was being urged that some means should be devised to make the scheme referred to known to the Boers, the fighting was going on at Laing’s Nek. President Brand expresses great sorrow at hearing of the engagement then taking place, and he hopes some understanding may be come to as to a guarantee by means of which further bloodshed may be avoided. And so, from time to time, the negotiations go on. There is communication after communication from President Brand, on whom we always throw the whole responsibility of making the proposals. We carry on the fighting; no attempt seems to be made to stop the generals as they advanced. We are told that it was they who were advancing and not we; but that seems to me to be a play upon words. The right hon. Gentleman said the Boers had nothing to do with the movements—that it was we who were attacking. Considering that the Boers were in the occupation of the soil of Natal, and that the attack on the 94th Regiment was certainly not a movement promoted by us, I cannot see the accuracy of the description given. But let us take the case as if it were so. If it were our forces that were attacking, why did we not stop our

forces from doing so? And here I see very speedily afterwards comes the news of the losses sustained in the fighting going on at the time. An application was made for reinforcements; and what was the answer of the Secretary of State for War? The right hon. Gentleman, on the 29th of January, telegraphs to the following effect:—

“Have heard of your check with much regret. Do you want reinforcements in addition to those already advised? Could send you a light cavalry regiment from home, and a battery of horse artillery from home or from India, also probably a light cavalry regiment from India, all arriving about the same time. Reply as soon as possible.”

This is spirited conduct on the part of the Secretary of State for War, if he intended to fight the matter out. But was it intended to be part of the negotiations that were to be carried on in order to win the confidence of the Boer leaders, and put an end to all this trouble? It seems to me to be of so extraordinary a character that it neither vindicates the Queen's authority, nor does it seem to me to bring affairs to any satisfactory settlement. “To vindicate the Queen's authority” are words used in the Queen's Speech; and those who wrote them have a right to interpret what they meant by them. But it appears that what they meant by the phrase was altogether inconsistent with the action of the Secretary of State for War, who held it to mean the sending out of a large body of troops to the Colony to look at it and come back again. Sir, I need not say that that is a dangerous mode of vindicating the authority of the Crown. What is the position of England in those regions? On what does it rest? It does not rest upon the force you show; but in the confidence which exists in South Africa, and in other parts of the world where we have possessions—in the great reserve power of England, in the determination of England; if she is engaged in a struggle, to fight it out to the last. England acts, or ought to act, at all events, on the advice given by our great national poet—

“Beware  
Of entrance to a quarrel; but, being in,  
Bear it that the opposer may beware of thee.”

The people of South Africa ought to know that if England is engaged in a struggle to maintain her authority, and to vindicate her position, she will fight

it out to the end; they ought to believe that when this country gives pledges to any people, be they Black or White, those pledges will be maintained, and that the country will not shrink on account of any armed opposition that may be offered. It is all very well to say that nobody believes, that England does not believe, that Europe does not believe, that we withdrew from the Transvaal because we were not strong enough to conquer it. The question is, what do the Boers believe? What is believed by the Natives? How far is the faith they have been placing in us shaken? If it has been shaken, and seriously shaken, depend upon it the result will be disastrous. I believe that Her Majesty's Government are now doing everything in their power to bring about a reasonable and fair settlement of these affairs. I hope they are not too sanguine in saying that they expect they will arrive at a settlement which will be durable and satisfactory. We have been reminded by the right hon. Gentleman that South Africa is the almost insoluble problem of our Colonial system. We know that as well as the right hon. Gentleman does. We know well, by what we have heard and seen of the working of that great Dependency, what the difficulties are. Many and many a time, attempts have been made to solve them, and sanguine forecasts have, as now, been made only to be disappointed. I think that the Government, in the course they have taken, have weakened rather than strengthened their chances of succeeding. I should be sorry to say anything that would still further weaken the hope of a satisfactory settlement of this matter. Now that the attempt has to be made, I trust their efforts will be successful, for I desire to see a prosperous condition of affairs in a Colony in which we have so large an interest, and in regard to which we have acquired such grave duties. But there is much at stake. It is not a question of the Transvaal alone; it is not a question of Natal alone; but it is a question of the whole of our South African Dominion, and we should be well assured that Her Majesty's Government are not prepared to shrink back from the duty laid upon them, and say it is too great for the shoulders on which it is laid. We hope and trust that, whatever may be the vote of the

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House to-night, it may not go forth to the country that we are disposed to shrink from our obligations to South Africa, and that it may not be supposed that this is the beginning of a retreat from our Colonial responsibilities and our Colonial Empire; but that it may be clearly understood that England is dissatisfied with much that has been done. I do not believe that the right hon. Gentleman himself, or any of his Colleagues, are satisfied. If we could ask them to supply the *hiatus* noticed here and there in their speeches, I think we should find spots that are far from satisfactory; but we hope that the future may mend. In the meantime, we go to a division with perfect confidence, not in the result of what will be the expression of this House, but in the sincerity of our own purpose, and in the result of the appeal we are making through this House, and through the intervention of this debate, to the people of England.

Mr. O'DONNELL (who rose amid loud calls for a division) said, he wished that some of the hon. Members opposite, who were now burning with zeal for the people of the Transvaal, would be a little more indulgent. He had opposed the Tory policy in the Transvaal when it was apparently supported by the right hon. Gentleman the present Premier. He had opposed the Tory policy in the Transvaal, as it had been expressed that night, and as it had been repudiated by the Premier; but he must decline to give a whitewashing vote to Her Majesty's Government, who supported the Tory policy in the Transvaal until it broke down in their own hands. The Prime Minister told them how he had devoted one small portion of the powers of his mind to the consideration of the South African problem during the last 40 years. He (Mr. O'Donnell) was justified, then, in concluding that when the project of the annexation of the Transvaal was first brought before the House, the right hon. Gentleman was fully aware of the iniquity of violating the Sand River Convention. In his mind would be present all the wickedness of that invasion of an independent people's rights. He (Mr. O'Donnell) also remembered that when a handful of Members of that House stood up to oppose, in season and out of season, within the ordinary Rules of Parliament and beyond the ordinary Rules of Parlia-

ment, that iniquitous transaction, that handful of Members received no aid from the right hon. Gentleman at the head of the Government. Where was, therefore, all the inviolable sanctity of the Sand River Convention? Where was all the burning wrong the right hon. Gentleman so keenly felt to-night? It was from the Liberal Benches that the Government were strengthened when that handful of Members protested against that scandalous transaction. They had then taken every precaution to inform themselves of the state of affairs in South Africa. A Delegation from the South African Republic, composed of Paul Kruger and Dr. Johnson, came to London to lay their case before the great Liberal Party. When it was asked that the Representatives of the Republic should have their case laid before that House, either by themselves or in due form according to the precedents of Parliament, he and his hon. Friends received no support from the Prime Minister. When Mr. Kruger's appeal was supported by none except that handful of Irish Members, no attention was paid to it; but when he addressed himself to the refined and delicate conscience of the Prime Minister with 10,000 deadly rifles behind him, then he received all that attention and all that consideration which was formerly refused him. He was utterly unable to attach very much weight to the plea of conviction and conscientious feeling put forward by the Liberal Party on the present occasion. He had listened with pleasure to the eloquence of his gifted compatriot the hon. and learned Member for Meath (Mr. A. M. Sullivan), in his admirable and ingenious defence of the conduct of Her Majesty's Government, when he proved, amidst the exulting cheers of hon. Gentlemen opposite, that it could not be supposed that any sense of fear could have induced the Government of such a mighty Empire to bow down before a few thousand Dutch farmers. But his hon. and learned Friend must have been considerably discomposed a few moments afterwards, when the Premier had to throw over the whole of that magnanimous argument; when he had to admit that it was not only a few thousand Dutch Boers that were ranged behind Mr. Kruger and the other leaders, but that behind them there were the Boers of the Orange Free



State, the Boers of Natal, and the considerable Dutch population of South Africa—in the proportion of two to one of the English population—and, behind all, the indignation of the civilized world. He said it was not until the right hon. Gentleman saw that all these would be arrayed against him if he continued to carry out the Tory policy, which he did carry out as long as he could, that he listened to the whisperings of his conscience. It was with pleasure, not unmingled with surprise, that he found the right hon. Baronet the late Secretary of State for the Colonies in the ranks of the friends of the African Natives. He remembered very well that when Irish Members, occasionally supported by English Members, asked numerous Questions about the ravages perpetrated upon the Natives, and instanced cases of wholesale burning of Native towns, and the taking of Native women and children into slavery under the rule of the late Colonial Secretary, that he (Mr. O'Donnell) had been unable to perceive in the right hon. Baronet a very keen and active friend to the Natives of South Africa. The Prime Minister had laid great stress on the fact that up to the very last moment he was supported in his policy by the Reports of the local officials. The importance of that statement, which could not be denied on either side of the House, should receive the attention of hon. Members. Unquestionably, the policy of Her Majesty's present Government, which was also the policy of Her Majesty's late Government, was partially supported by the officials in South Africa—by Sir Theophilus Shepstone, Sir Bartle Frere, and Sir Owen Lanyon. He confessed that to him, standing outside English Parties, it seemed to him strange that the head of the Government should admit that he was grossly misled by those officials, that to all intents and purposes the representations on the state of affairs in South Africa were nearly in contradiction of the truth, and that the Premier, in obedience to official traditions, should consider that he had done enough in throwing blame upon officials without bringing to the bar of justice the men who had brought about the troubles in South Africa. He trusted that some hon. Members would take the lesson to heart, and add this as another proof to proofs which were accumulating,

*Mr. O'Donnell*

that in the present constitution of Parliament, and the present constitution of the Empire, the Government of the day, whether Tory or Liberal, was practically helplessly in the hands of a bureaucracy composed of the officials of the great Departments of State. There was no opportunity of controlling the activity of those men; and it was only when the country was on the actual brink of disaster that the country learned that the Government had been misled by irresponsible officials.

Question put.

The House divided :—Ayes 205 ; Noes 314 : Majority 109.

#### AYES.

Alexander, Colonel	Corry, J. P.
Amherst, W. A. T.	Cross, rt. hon. Sir R. A.
Archdale, W. H.	Cubitt, rt. hon. G.
Ashmead-Bartlett, E.	Dalrymple, C.
Aylmer, Capt. J. E. F.	Davenport, H. T.
Bailey, Sir J. R.	Dawnay, Col. hn. L. P.
Balfour, A. J.	De Worms, Baron H.
Baring, T. C.	Dickson, Major A. G.
Barne, F. St. J. N.	Digby, Col. hon. E.
Barttelot, Sir W. B.	Dixon-Hartland, F. D.
Bateson, Sir T.	Donaldson-Hudson, C.
Beach, rt. hon. Sir M. H.	Douglas, A. Akers-
Beach, W. W. B.	Dyke, rt. hn. Sir W. H.
Bective, Earl of	Eaton, H. W.
Bellingham, A. H.	Ecroyd, W. F.
Bentinck, rt. hon. G. C.	Egerton, hon. W.
Beresford, G. De la P.	Elcho, Lord
Biddell, W.	Emlyn, Viscount
Birkbeck, E.	Ennis, Sir J.
Birley, H.	Estcourt, G. S.
Blackburne, Col. J. I.	Ewart, W.
Boord, T. W.	Feilden, Major-General
Bourke, right hon. R.	R. J.
Brise, Colonel R.	Fellowes, W. H.
Broadley, W. H. H.	Fenwick-Bisset, M.
Brodrick, hon. St. J.	Filmer, Sir E.
Brooke, Lord	Finch, G. H.
Bruce, Sir H. H.	Fletcher, Sir H.
Bruce, hon. T.	Floyer, J.
Brymer, W. E.	Folkestone, Viscount
Burghley, Lord	Forester, C. T. W.
Burnaby, General E. S.	Foster, W. H.
Burrall, Sir W. W.	Fowler, R. N.
Buxton, Sir R. J.	Fremantle, hon. T. F.
Cameron, D.	Freshfield, C. K.
Campbell, J. A.	Gardner, R. Richard-
Carden, Sir R. W.	son-
Cecil, Lord E. H. B. G.	Garnier, J. C.
Chaplin, H.	Gibson, rt. hon. E.
Christie, W. L.	Giffard, Sir H. S.
Churchill, Lord R.	Goldney, Sir G.
Clarke, E.	Gore-Langton, W. S.
Clive, Col. hon. G. W.	Gorst, J. E.
Cleese, M. C.	Grantham, W.
Cobbold, T. C.	Greene, E.
Coddington, W.	Greer, T.
Cole, Viscount	Gregory, G. B.
Collins, T.	Halsey, T. F.
Compton, F.	Hamilton, Lord C. J.
Coope, O. E.	Hamilton, I. T.

Hamilton, right hon. Lord G.  
 Harcourt, E. W.  
 Harvey, Sir R. B.  
 Hay, rt. hon. Admiral Sir J. C. D.  
 Herbert, hon. S.  
 Hicks, E.  
 Hill, Lord A. W.  
 Hinchinbrook, Visc.  
 Holker, Sir J.  
 Holland, Sir H. T.  
 Home, Lt.-Col. D. M.  
 Hope, rt. hn. A. J. B. B.  
 Hubbard, rt. hn. J. G.  
 Jackson, W. L.  
 Johnstone, Sir F.  
 Kennard, Col. E. H.  
 Kennaway, Sir J. H.  
 Knight, F. W.  
 Knightley, Sir R.  
 Lawrence, Sir T.  
 Lechmere, Sir E. A. H.  
 Lee, Major V.  
 Legh, W. J.  
 Leigh, R.  
 Leighton, Sir B.  
 Leighton, S.  
 Lever, J. O.  
 Levett, T. J.  
 Lewis, C. E.  
 Lewisham, Viscount  
 Lindsay, Sir R. L.  
 Loder, R.  
 Long, W. H.  
 Lowther, hon. W.  
 Macartney, J. W. E.  
 Mac Iver, D.  
 Macnaghten, E.  
 Mc'Garel-Hogg, Sir J.  
 Makins, Colonel W. T.  
 Mannera, rt. hn. Lord J.  
 Master, T. W. C.  
 Maxwell, Sir H. E.  
 Miles, Sir P. J. W.  
 Mills, Sir C. H.  
 Morgan, hon. F.  
 Moss, R.  
 Mowbray, rt. hn. Sir J. R.  
 Newdegate, C. N.  
 Newport, Viscount  
 Nicholson, W. N.  
 Noel, rt. hon. G. J.  
 North, Colonel J. S.  
 Northcote, H. S.  
 Northcote, rt. hn. Sir S. H.  
 Onslow, D.

Paget, R. H.  
 Palliser, Sir W.  
 Peek, Sir H.  
 Pell, A.  
 Pemberton, E. L.  
 Percy, Earl  
 Phipps, C. N. P.  
 Phipps, P.  
 Plunket, rt. hon. D. R.  
 Powell, W.  
 Price, Captain G. E.  
 Puleston, J. H.  
 Rankin, J.  
 Repton, G. W.  
 Ritchie, C. T.  
 Rodwell, B. B. H.  
 Rolls, J. A.  
 Ross, A. H.  
 Ross, C. C.  
 Round, J.  
 Sandon, Viscount  
 Schreiber, C.  
 Scott, Lord H.  
 Scott, M. D.  
 Selwin - Ibbetson, Sir H. J.  
 Severne, J. E.  
 Smith, rt. hon. W. H.  
 Stanhope, hon. E.  
 Stanley, rt. hn. Col. F.  
 Storer, G.  
 Sykes, C.  
 Talbot, J. G.  
 Taylor, rt. hn. Col. T. E.  
 Thomson, H.  
 Thornhill, T.  
 Tollemache, H. J.  
 Tollemache, hon. W. F.  
 Tottenham, A. L.  
 Tyler, Sir H. W.  
 Walrond, Col. W. H.  
 Warburton, P. E.  
 Warton, C. N.  
 Watney, J.  
 Welby - Gregory, Sir W. E.  
 Whitley, E.  
 Williams, Colonel O.  
 Wilmot, Sir H.  
 Wilmot, Sir J. E.  
 Wolff, Sir H. D.  
 Wroughton, P.  
 Wyndham, hon. P.  
 Yorke, J. R.

TELLERS.  
 Crichton, Viscount  
 Winn, R.

NOES.

Acland, Sir T. D.  
 Agar-Robartes, hn. T. C.  
 Agnew, W.  
 Ainsworth, D.  
 Allen, H. G.  
 Allman, R. L.  
 Anderson, G.  
 Armitage, B.  
 Arnold, A.  
 Asher, A.  
 Ashley, hon. E. M.  
 Baldwin, E.

Balfour, Sir G.  
 Balfour, J. B.  
 Balfour, J. S.  
 Barclay, J. W.  
 Baring, Viscount  
 Barnes, A.  
 Barran, J.  
 Bass, A.  
 Bass, H.  
 Beaumont, W. B.  
 Blake, J. A.  
 Blennerhassett, Sir R.

Blennerhassett, R. P.  
 Bolton, J. C.  
 Borlase, W. C.  
 Brand, H. R.  
 Brassey, H. A.  
 Brassey, Sir T.  
 Briggs, W. E.  
 Bright, J. (Manchester)  
 Bright, rt. hon. J.  
 Broadhurst, H.  
 Brooks, M.  
 Brown, A. H.  
 Bruce, rt. hon. Lord C.  
 Bruce, hon. R. P.  
 Bryce, J.  
 Burt, T.  
 Buszard, M. C.  
 Butt, C. P.  
 Buxton, F. W.  
 Caine, W. S.  
 Cameron, C.  
 Campbell, Lord C.  
 Campbell, Sir G.  
 Campbell, R. F. F.  
 Campbell - Bannerman, H.  
 Carington, hn. Colonel W. H. P.  
 Cartwright, W. C.  
 Causton, R. K.  
 Cavendish, Lord E.  
 Cavendish, Lord F. C.  
 Chamberlain, rt. hn. J.  
 Chambers, Sir T.  
 Cheetham, J. F.  
 Childers, rt. hn. H. C. E.  
 Chitty, J. W.  
 Clarke, J. C.  
 Clifford, C. C.  
 Cohen, A.  
 Colebrooke, Sir T. E.  
 Collings, J.  
 Collins, E.  
 Colthurst, Col. D. la T.  
 Corbet, W. J.  
 Corbett, J.  
 Cotes, C. C.  
 Courtauld, G.  
 Courtney, L. H.  
 Cowan, J.  
 Cowper, hon. H. F.  
 Craig, W. Y.  
 Creyke, R.  
 Cropper, J.  
 Cross, J. K.  
 Crum, A.  
 Cunliffe, Sir R. A.  
 Daly, J.  
 Davey, H.  
 Davies, D.  
 Davies, R.  
 Davies, W.  
 De Ferrieres, Baron  
 Dickson, J.  
 Dilke, A. W.  
 Dilke, Sir C. W.  
 Dillwyn, L. L.  
 Dodds, J.  
 Dodson, rt. hn. J. G.  
 Duckham, T.  
 Duff, R. W.  
 Dundas, hon. J. C.  
 Earp, T.

Edwards, H.  
 Edwards, P.  
 Egerton, Adm. hon. F.  
 Elliot, hon. A. R. D.  
 Errington, G.  
 Evans, T. W.  
 Fairbairn, Sir A.  
 Farquharson, Dr. R.  
 Fay, C. J.  
 Ferguson, R.  
 Ffolkes, Sir W. H. B.  
 Findlater, W.  
 Fitzmaurice, Lord E.  
 Fitzwilliam, hon. C. W. W.  
 Fitzwilliam, hn. W. J.  
 Flower, C.  
 Foljambe, C. G. S.  
 Foljambe, F. J. S.  
 Forster, Sir C.  
 Forster, rt. hon. W. E.  
 Fort, R.  
 Fowler, H. H.  
 Fowler, W.  
 Fry, L.  
 Fry, T.  
 Gabbett, D. F.  
 Gill, H. J.  
 Givan, J.  
 Gladstone, rt. hn. W. E.  
 Gladstone, H. J.  
 Gladstone, W. H.  
 Gordon, Sir A.  
 Gourley, E. T.  
 Gower, hon. E. F. L.  
 Grafton, F. W.  
 Grenfell, W. H.  
 Grey, A. H. G.  
 Hamilton, J. G. C.  
 Harcourt, rt. hon. Sir W. G. V. V.  
 Hardcastle, J. A.  
 Hartington, Marq. of  
 Hastings, G. W.  
 Hayter, Sir A. D.  
 Henderson, F.  
 Heneage, E.  
 Henry, M.  
 Hibbert, J. T.  
 Hill, T. R.  
 Holland, S.  
 Holland, J. R.  
 Holms, J.  
 Hopwood, C. H.  
 Howard, E. S.  
 Howard, G. J.  
 Hughes, W. B.  
 Hutchinson, J. D.  
 Illingworth, A.  
 Inderwick, F. A.  
 James, C.  
 James, W. H.  
 James, Sir H.  
 Jardine, R.  
 Jenkins, D. J.  
 Johnson, E.  
 Johnson, W. M.  
 Kingscote, Col. R. N. F.  
 Kinnear, J.  
 Labouchere, H.  
 Laing, S.  
 Lalor, E.  
 Lambton, hon. F. W.

Law, rt. hon. H.  
 Lawrence, W.  
 Lawson, Sir W.  
 Laycock, R.  
 Lea, T.  
 Leahy, J.  
 Leake, R.  
 Leatham, E. A.  
 Leatham, W. H.  
 Lee, H.  
 Leeman, J. J.  
 Lefevre, rt. hon. G. J. S.  
 Litton, E. F.  
 Lubbock, Sir J.  
 Luak, Sir A.  
 Lymington, Viscount  
 Mackintosh, C. F.  
 MacIver, P. S.  
 M'Arthur, A.  
 M'Arthur, W.  
 M'Carthy, J.  
 M'Clure, Sir T.  
 M'Coan, J. C.  
 M'Kenna, Sir J. N.  
 M'Laren, C. B. B.  
 M'Laren, J.  
 M'Minnies, J. G.  
 Magniac, C.  
 Maitland, W. F.  
 Mappin, F. T.  
 Marjoribanks, Sir D.  
 Marjoribanks, E.  
 Marriott, W. T.  
 Martin, R. B.  
 Marum, E. M.  
 Mason, H.  
 Massey, rt. hon. W. N.  
 Maxwell-Heron, J.  
 Mellor, J. W.  
 Milbank, F. A.  
 Molloy, B. C.  
 Monk, C. J.  
 Moore, A.  
 Morgan, rt. hon. G. O.  
 Morley, A.  
 Morley, S.  
 Mundella, rt. hon. A. J.  
 Nicholson, W.  
 Noel, E.  
 Nolan, Major J. P.  
 O'Beirne, Major F.  
 O'Brien, Sir P.  
 O'Connor, T. P.  
 O'Connor, D. M.  
 O'Donoghue, The  
 O'Gorman Mahon, Col.  
 The  
 O'Shaughnessy, R.  
 Otway, A.  
 Paget, T. T.  
 Palmer, C. M.  
 Palmer, G.  
 Palmer, J. H.  
 Parker, C. S.  
 Parnell, O. S.  
 Pease, A.  
 Pender, J.  
 Pennington, F.  
 Playfair, rt. hon. L.  
 Potter, T. B.  
 Powell, W. R. H.  
 Power, J. O'G.  
 Price, Sir R. G.

Pugh, L. P.  
 Pulley, J.  
 Ralli, P.  
 Ramsay, J.  
 Ramsden, Sir J.  
 Rathbone, W.  
 Redmond, J. E.  
 Reed, Sir E. J.  
 Reid, R. T.  
 Rendel, S.  
 Richard, H.  
 Richardson, J. N.  
 Richardson, T.  
 Roberts, J.  
 Robertson, H.  
 Rogers, J. E. T.  
 Roundell, C. S.  
 Russell, C.  
 Russell, G. W. E.  
 Russell, Lord A.  
 Rylands, P.  
 St. Aubyn, Sir J.  
 Samuelson, H.  
 Seely, C. (Lincoln)  
 Seely, C. (Nottingham)  
 Shaw, W.  
 Sheridan, H. B.  
 Shield, H.  
 Simon, Serjeant J.  
 Slagg, J.  
 Smith, E.  
 Smithwick, J. F.  
 Smyth, P. J.  
 Spencer, hon. C. R.  
 Stanley, hon. E. L.  
 Stansfeld, rt. hon. J.  
 Stanton, W. J.  
 Stewart, J.  
 Storey, S.  
 Story-Maskelyne, M.H.  
 Stuart, H. V.  
 Sullivan A. M.  
 Sullivan, T. D.  
 Summers, W.  
 Synan, E. J.  
 Talbot, C. R. M.  
 Tavistock, Marquess of  
 Taylor, P. A.  
 Tennant, O.  
 Thomasson, J. P.  
 Thompson, T. C.  
 Tillett, J. H.  
 Torrens, W. T. M'C.  
 Trevelyan, G. O.  
 Verney, Sir H.  
 Villiers, rt. hon. C. P.  
 Vivian, A. P.  
 Walter, J.  
 Waterlow, Sir S.  
 Waugh, E.  
 Webster, J.  
 Wedderburn, Sir D.  
 Whitbread, S.  
 Whitworth, B.  
 Wiggan, H.  
 Williams, S. C. E.  
 Williamson, S.  
 Willis, W.  
 Wills, W. H.  
 Willyams, E. W. B.  
 Wilson, C. H.  
 Wilson, I.  
 Wilson, Sir M.

Wodehouse, E. R.  
 Woodall, W.  
 Woolf, S.

TELLERS.  
 Grosvenor, Lord R.  
 Kensington, Lord

### Words added.

Main Question, as amended, put.

*Resolved*, That this House, believing that the continuance of the War with the Transvaal Boers would not have advanced the honour or the interests of this Country, approves the steps taken by Her Majesty's Government to bring about a peaceful settlement, and feels confident that every care will be taken to guard the interests of the Natives, to provide for the full liberty and equal treatment of the entire White population, and to promote harmony and good will among the various races in South Africa.

### ORDERS OF THE DAY.

PETROLEUM (HAWKING) BILL.—[Lords.]  
 (Mr. Courtney.)

[BILL 222.] SECOND READING.

Order for Second Reading read.

MR. COURTNEY, in moving that the Bill be read a second time, said, it was one of a simple character, its object being to remove a difficulty out of the way of a humble class of tradesmen. At present, no one was allowed to hawk petroleum except under the authority of a special regulation, endorsed upon a licence to keep petroleum, and, even then, a man who was licensed to keep petroleum, and who lived on the borders of one county, was unable to hawk it in the next county, because the licence he had received from the magistrates did not cover the new district. The present proposal was that, under certain conditions, whenever a man was allowed to keep petroleum, that power should in itself enable him to hawk it.

Motion made, and Question proposed,  
 "That the Bill be now read a second time."—(Mr. Courtney.)

Motion agreed to.

Bill read a second time, and committed for To-morrow at Two of the clock.

METROPOLITAN BOARD OF WORKS  
 (MONEY) BILL.—[BILL 204.]  
 (Lord Frederick Cavendish, Mr. John Holms.)

### CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed,  
 "That the Bill be now considered."—  
 (Lord Frederick Cavendish.)

Mr. MONK said, he had given Notice, early in the afternoon, that on the Order for the consideration of the Bill he would raise the question whether the measure should not be referred to a Select Committee. He wished to call attention to the fact that one of the Standing Orders—Order 194—said that every Money Bill presented by the Metropolitan Board of Works should be brought in as a public measure, and, after having been read a second time, should be referred to a Select Committee. The question was, whether or not this Bill was presented by the Metropolitan Board of Works. He did not believe any Member of the House would say that the Bill was not presented by the Metropolitan Board of Works. It was very true that, looking at the back of it, they saw there that it was prepared and brought in by Lord Frederick Cavendish and Mr. John Holms—in other words, by the Treasury. They saw that it was practically promoted by the Treasury; but that did not meet the question. They knew that, virtually, it was promoted by the Metropolitan Board of Works, and he would challenge the hon. and gallant Gentleman the Chairman of the Metropolitan Board of Works to rise in his place and deny it. In 1878, when the Metropolitan Board of Works Loans Bill was brought in, the then Secretary to the Treasury stated that the measure was promoted by the Treasury under an arrangement with the Metropolitan Board of Works; or, in other words, that it was promoted by the Metropolitan Board of Works under that arrangement; but by the authority of an Act of 1875 was brought in by the Treasury. Without saying more, he would leave it to the House to say whether the Bill should not go before a Select Committee.

MR. SPEAKER: Does any hon. Member second the Amendment?

MR. WARTON said he would do so, and would call the attention of the House to the Act, which alone gave authority to the Metropolitan Board of Works to bring in these Bills. He referred to 38 & 39 *Vict. c. 65, s. 12*, which said—

“Where the Board are desirous of obtaining a further Act empowering them to raise money, they shall cause the Bill for the same, as proposed to be submitted to Parliament, to be accompanied with tables giving such information as the Treasury require for the purpose of

enabling a comparison to be made between the rateable value of the Metropolis and the liabilities of the Board.”

He had thought it better to read the whole section before commenting on it. This was a case in which the Board had shown their desire to obtain a further Act empowering them to raise money. The requirements of the Act were that the Board of Works should furnish tables to the Treasury. In no sense could the Treasury be called the promoters. It might be said that the Treasury promoted it because the names of Officials of the Treasury were on the back of it; but they might just as well say, in the case of a Railway Bill, that those whose names were on the back of it were really its promoters. The case of the present Bill was really stronger than that of a railway measure, because here they had the Representative of the Metropolitan Board of Works—its very Chairman—in the House; and yet, for some reason best known to themselves, the Officials of the Treasury had put their names on the back of the Bill. There could not be the slightest shadow of doubt that the Metropolitan Board of Works were the promoters of the Bill. He had only one suggestion to make—namely, that if the House should be of opinion that the Bill should be referred to a Select Committee, the measure should be put back and taken up at its proper stage.

#### Amendment proposed,

To leave out the words “now considered,” in order to insert the words “referred to a Select Committee to be nominated by the Committee of Selection in like manner as Private Bills.”—*(Mr. Monk.)*

Question proposed, “That the words ‘now considered’ stand part of the Question.”

LORD FREDERICK CAVENDISH said, the hon. Members who had spoken had based their case on the Standing Orders, and had not at all entered into the question of the policy of referring the Bill to a Select Committee. When the Bill was last under discussion—and there were a good many Members present—this matter was gone into, and there was a general understanding that it would have been well, under ordinary circumstances, to have had the measure referred to a Select Committee; but that, owing to the period of the Session and

the Business before the House, it would not be wise to so refer it. The whole question resolved itself into this—What was the meaning of the word “promoter?” In this case, was the measure promoted by the Treasury or the Metropolitan Board of Works? Well, technically speaking, the Metropolitan Board of Works were not the promoters. The Standing Order was brought in in 1877. It was, he believed, part of a scheme of reform of the late Government, the object of which was to give the House greater knowledge and control over the borrowing powers and expenditure of the Board of Works. Every year since a Bill had been brought in by the Government for enabling the Metropolitan Board of Works to borrow money, and on no single occasion had such Bill been referred to a Select Committee. No doubt the Government would have moved the reference of this Bill to a Select Committee if it had been the intention of the Standing Order that a measure of this kind should be so referred. If they regarded the object of the Order they would be led to a safe conclusion. What was the object of the Order? Partly, it was to bring into the purview of the House the whole liabilities and borrowing powers of the Board of Works. Formerly the Board obtained Private Bills enabling them to borrow, and they did not come before the House; but in 1875 the right hon. Gentleman the Member for Westminster introduced a Bill which enacted that the borrowing powers should not extend over a year, and that they should all be scheduled in the Act. The object of that Bill might have been defeated if subsequently Private Bills had been introduced by the Board adding to their borrowing powers. This Order was passed to prevent that, and had fully secured its object, and he ventured to say that the object of the Order and the history of recent years showed conclusively that the Order was not intended to apply to Bills of this character.

MR. W. H. SMITH said, he could fully confirm everything that had fallen from the noble Lord. The sole object of the change was to exhibit to the House Commons a correct statement of the finances of the Board of Works, and of their borrowing powers, in one view. Previously it was the practice of the Board to come to Parliament with sepa-

rate Bills, and there were no means of the people in the Metropolis knowing anything of the borrowing powers possessed by the Board. The present Bill was a Government Bill in every sense. It could not be introduced by the Board itself; it was at the discretion of the Secretary to the Treasury whether the Bill should be introduced or not, and, under these circumstances, he thought it was clear that the Bill was not a Bill promoted by the Metropolitan Board of Works.

Question put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *considered*; to be read the third time *To-morrow*, at Two of the clock.

#### PUBLIC WORKS LOANS [ADVANCES].

Resolution [July 22] *reported*, and *agreed to*.

*Instruction* to the Committee on the Public Works Loans Bill, That they have power to make provision therein pursuant to the said Resolution; also to make provision for the erection and maintenance of a Lighthouse on the Island of Minicoy; and for amending “The Labouring Classes Lodging Houses and Dwellings Act (Ireland) 1866.”

House adjourned at half after  
Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 26th July, 1881.*

MINUTES.]—SELECT COMMITTEE—*Report*—Law relating to the Protection of Young Girls.

PUBLIC BILLS—*First Reading*—Removal Terms (Scotland)\* (184).

*Second Reading*—Industrial Schools (158); British Honduras (Court of Appeal) (167); Pedlars (Certificates)\* (163); Metallic Mines (Gunpowder) (169); Seed Supply and other Acts (Ireland) Amendment (177).

Committee—Universities (Scotland) Registration of Parliamentary Voters, &c.\* (173).

Committee—*Report*—Coroners (Ireland) (134); Reformatory Institutions (Ireland)\* (172).

### INDUSTRIAL SCHOOLS BILL.

(*The Lord Norton.*)

(NO. 158.) SECOND READING.

Order of the Day for the Second Reading read.

LORD NORTON, in moving that the Bill be now read a second time, said,

*Lord Frederick Cavendish*

he would not repeat his advocacy of such a measure in a previous debate, but only argue for this stage of Bill, which embodied his proposals, that it was mainly, and in principle, a consolidation of all the many Acts which had accumulated on the subject during 30 years of experimental legislation, and that it would clear the law and settle the question on the system which had practically worked out itself. There could hardly be any doubt of the desirableness and opportuneness of such a consolidation. He would, therefore, merely point out that the Amendments of the law which the Bill proposed, though they were the obvious conclusions from our experience, and most important and necessary to complete the work, were not essential to the Bill; but if they were omitted, the Bill would only be so far less useful without them. For instance, the Bill proposed to get rid of the distinction, which only existed in name, between industrial schools and reformatory schools, and to call the two schools, which had worked into one, by the same name—industrial schools. They could really be nothing else. But the children who came into such schools at a more advanced age—say 14—were proposed to be put into separate industrial schools, to be called “Senior Industrial Schools,” and not mixed up with younger children in the same schools as at present. But if Parliament should unfortunately prefer designating this most important, because most neglected, part of all our professed undertaking of national education as prolonged punishment and penal discipline, they might still continue to call their schools “reformatories,” and the Bill would only lose one of its proposed improvements, and would still retain the acknowledged good of separating older children into only as few reformatories as might be specially required for them. He trusted, however, that Parliament would no longer insist upon using the penal term; for, if they did so, these children would still be deprived when they went out from industrial schools of the employment for which they were there trained, whether in the Army and Navy, or in many kinds of private employment. They would go out from school stigmatized as educated criminals in their own and in others’ estimation. Such would be the

consequence of retaining a name for these particular schools, which, after all, could entail no real difference of treatment from other industrial schools. The other chief Amendment proposed in the Bill was the placing industrial schools under the Education Department, leaving the penal treatment only of criminal children to the Police Department of Government, and placing their education after punishment in the hands of those intrusted with the subject. He thought that the Education Department should not be let to despise this lower class of work, in the present ambition of our public educationists to give more attention to higher education. It seemed a strange argument for separating any subject from its Department that the Department was not suited to it, and the misplacement of any public administration generally ended in the diversion of the subject itself. Houses of Correction were so turned from places intended for industrial training into prisons, and in the same way the Colonial Office was once mixed up with that of War, till it was wittily but truly called an office at war with all the Colonies. The Industrial Schools Office in Delahay Street would find itself in better connection with the Education than the Police Department, with which it should have nothing to do, if its special object was education. However, if Parliament preferred the industrial schools’ part of its Educational Estimates, including even day industrial schools, to be separated, and put out of sight on the Home Office account, the Secretary of State must keep his strange impersonation of Education Minister in this consolidating Bill, which would be only so far less amending. It took some time for Parliament to admit at all that criminal children had better be punished as children; and he hoped it would not take much longer for them to take in the rest of the idea, that, after punishment, what such children wanted was not prolonged criminal treatment, but education. He moved the second reading of the Bill.

*Moved, “That the Bill be now read 2<sup>d</sup>.”*  
—(*The Lord Norton.*)

THE EARL OF DALHOUSIE: My Lords, the deep interest which the noble Lord opposite (Lord Norton) has taken in this important subject is well known to your Lordships, and it is also fully

recognized by Her Majesty's Government. And I can assure him, on behalf of the Government, that the observations and suggestions which, on a former occasion, he made to your Lordships in reference to this matter were most carefully considered, both by the Secretary of State himself and those who assist him in the consideration of questions of this kind. And if the Resolution which the noble Lord then moved was not accepted by the Government, I am yet able distinctly to say that it by no means followed that nothing was gained by it. At that time the Government were not without hopes that they might be able to introduce a measure dealing with reformatories and industrial schools, and they were consequently not willing to accept a Resolution which might seem to pledge them to a particular method of doing so, the principle of which they did not approve. This Bill is clearly drawn on the lines of that Resolution; and it may be argued that, having refused to concur in the noble Lord's Resolution, the Government are logically bound to reject his Bill, which is based upon it. But, in the first place, it is obvious that the Government can no longer hope, as they once did, to take up the question of reformatory and industrial schools during the present Session of Parliament; and they are very anxious that the whole subject of the working of the reformatory and industrial school system should be brought prominently forward, so that public opinion may have an opportunity of expressing itself upon it. For there is no question which affects so powerfully, for good or for evil, those classes which, according as we deal with them wisely or not, will become a source of strength or a source of danger to society in the immediate future. To legislate on a wrong principle would, undoubtedly, at no distant date, produce very serious consequences; and the Government are, therefore, most anxious to proceed with caution, all the more so, because they feel that although the present system of reformatory and industrial schools may stand in need of revision, it has, nevertheless, done good work in checking an evil which, 20 years ago, had assumed alarming proportions. On that ground Her Majesty's Government think it extremely desirable that they should take every opportunity of encouraging the

discussion of this question, in the hope that public attention may be drawn to it. I gather from the speech of the noble Lord, as well as from the Bill itself, that its main object is to consolidate the Acts relating to reformatory and industrial schools, and that is an object at which Her Majesty's Government desire to arrive quite as earnestly as the noble Lord himself; and they are anxious, if possible, to give him a practical assurance of their sincerity in that respect. If, as I understand, the noble Lord does not intend to advance this Bill beyond the second reading, it would be possible for the Government to do this. But if he intends to go further than the second reading, I must point out that Clauses 4 and 7, and all subsequent clauses depending on them, are entirely opposed to the views which are entertained by Her Majesty's Government on this question—and that, as these clauses form a very important part of the measure, the Government could not possibly give their assent to the second reading of the Bill, except on the understanding that it does not go beyond that stage. The Government, as I have already said, are very sensible of the importance of the whole question; and, in regard to the Bill now before your Lordships, I have to say that, understanding from the noble Lord that it is not his intention to carry this Bill beyond the second reading, and seeing that there is now no prospect of the Government being able to realize the hope in which at an earlier period of the Session they indulged, that they would themselves be able to deal with this question; seeing, also, that it is most important that this question should be kept constantly before the attention of the public and that it should be fully discussed both in the Press and by those who are chiefly and most immediately interested in the reformatory and industrial school system, the Government will not oppose the second reading of the Bill. But, in saying that, I must repeat that I do not mean to imply that the Government approve of all the provisions contained in it. And I must distinctly state that, in assenting to the second reading of the Bill, the Government merely accept and affirm the principle that it is desirable that the various Acts of Parliament which relate to reformatory and industrial schools ought to be revised

*The Earl of Dalhousie*

and consolidated at the earliest opportunity; but that they must not be understood to stand committed to those provisions in the Bill by which the noble Lord proposes to arrive at that result.

LORD HOUGHTON said, he deeply regretted that the Government had given even a qualified sanction to the measure. His noble Friend (Lord Norton) and he had long agreed to differ in opinion as to this great reformatory movement. The existing systems in use in those establishments had been eminently successful in repressing juvenile crime, and he should be extremely sorry that any censure should be thrown upon them such as might be inferred from the present action of the Government. Those two systems were essentially different in themselves, and must remain so if they were to carry out satisfactorily the objects which they had in view. He trusted, therefore, that nothing would be done which would interfere with institutions which had proved so useful in training that class of children for whose benefit they were promoted originally. If the action of the Government were intended as a compliment to his noble Friend on account of the great attention he had given to this subject, he (Lord Houghton) could not regret the course which had been taken; but he hoped it would not be interpreted as meaning anything more.

Motion agreed to; Bill read 2<sup>a</sup>.

#### BRITISH HONDURAS (COURT OF APPEAL) BILL.

(*The Earl of Kimberley.*)

(NO. 167.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read a second time, explained that its object was to allow appeals to be made from Honduras, where there was only a single Judge, to the Court at Jamaica. It would be well if there were a Court of Appeal not far off, and the Honduras Legislature asked that such an appeal should be provided; and he had no doubt that this Bill would work advantageously.

Moved, "That the Bill be now read 2<sup>a</sup>."  
—(*The Earl of Kimberley.*)

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Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.

#### PEDLARS (CERTIFICATES) BILL.

(*The Earl of Dalhousie.*)

(NO. 163.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said that its purpose was to get rid of the necessity imposed upon pedlars of having their licences visaed on passing from one police district to another. A charge of 6d. was made for the visa; but the objection to the system was that it inflicted inconvenience and hardship upon a respectable body of men.

Moved, "That the Bill be now read 2<sup>a</sup>."—(*The Earl of Dalhousie.*)

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.

#### METALLIC MINES (GUNPOWDER) BILL.

(*The Earl of Dalhousie.*)

(NO. 169.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said, it proposed to withdraw from the operation of the Coal Mines Regulation Act certain metaliferous mines, and to empower the Secretary of State to allow the use of loose gunpowder in those mines.

Moved, "That the Bill be now read 2<sup>a</sup>."  
—(*The Earl of Dalhousie.*)

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.

#### CORONERS (IRELAND) BILL.—(No. 134.)

(*The Viscount Lifford.*)

COMMITTEE.

House in Committee (according to order).

Clauses 1 and 2 agreed to.

Clause 3 (Remuneration of Coroner).

THE EARL OF LIMERICK said, he desired to move an Amendment in the



clause, the object of which was to give power to increase the salaries given to Coroners from time to time. The principle of the clause as it now stood was to fix salaries in perpetuity; and he did not think that it was desirable that such a course should be adopted, but that there should be a power in some authority to revise them. His Amendment would amount to giving a power of revision to some authority, instead of fixing the salaries on the amount of fees and allowances which the Coroners were entitled to receive. He did not wish to interfere with the progress of the Bill, but desired simply to bring this matter under the attention of Her Majesty's Government, as he felt strongly that there should be some power of revising these salaries.

Amendment *moved*, in page 2, line 3, after ("coroner"), to insert ("in office on the passing of this Act.")—(*The Earl of Limerick*.)

THE EARL OF CORK said, he thought there was a great deal in what the noble Earl (the Earl of Limerick) had said with respect to the necessity of having some power of revising the salaries of Coroners from time to time, and he believed that a power to make such revision existed in England and was vested in the Magistrates. The Amendment, however, proposed by the noble Earl proposed that the power should be vested in the Lord Lieutenant of Ireland. He (the Earl of Cork) believed that the Lord Lieutenant had no power to interfere with the local taxation in Ireland, and, therefore, it would not be proper to invest such a power in the Lord Lieutenant. If the noble Earl would withdraw the Amendment, he would consider whether he could not bring up an Amendment at the next stage of the Bill to meet the object sought to be attained by the present Amendment.

THE EARL OF LIMERICK said, he was quite satisfied with the promise of the noble Earl, and would withdraw the Amendment.

Amendment (by leave of the Committee) *withdrawn*.

Remaining clauses *agreed to*.

Bill *reported* without Amendment; and to be read 3<sup>d</sup> on *Thursday* next.

*The Earl of Limerick*

SEED SUPPLY AND OTHER ACTS (IRELAND) AMENDMENT BILL.—(No. 177.)

(*The Lord Carlingford*.)

SECOND READING.

Order of the Day for the Second Reading read.

LORD CARLINGFORD, in moving that the Bill be now read a second time, said that its object was to give the Irish Boards of Guardians a longer time for the collection of what were called seed rates—that was, for the payment by the purchasers of seed to the Boards of Guardians, and the repayments by the Boards of Guardians of the instalments to the Treasury. The main purpose of the Bill was to spread such instalments over a longer period of time—an indulgence that was much needed. There was one other object of the Bill, which was to enable the Board of Works, on the recommendation of the Local Government Board, to give further time to distressed Unions in Ireland in which extra out-door relief had been sanctioned by the Local Government Board. These were objects not only much desired, but much needed; and it was requisite that the Bill should be made law as soon as possible, in order to regulate the transactions of the Treasury with those Boards.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Lord Carlingford*.)

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned at a quarter before Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

*Tuesday*, 26th *July*, 1891.

The House met at Two of the clock.

MINUTES.]—PUBLIC BILLS—*Ordered*—*First Reading*—Superannuation Act (Post Office and Works) \* [228].

*First Reading*—Wild Birds Protection Act, 1890, Amendment \* [226]; Supreme Court of Judicature \* [227].

*Second Reading—Drainage (Ireland) Provisional Order* \* [220]; *Elementary Education Provisional Order Confirmation (London)* \* [215].  
*Committee—Petroleum (Hawking)* [222]—*R.F. Committee—Report—Third Reading—Alsager Chapel (Marriages)* \* [221], and *passed*.  
*Considered as amended—Land Law (Ireland)* [225], *further Proceeding deferred; Alkali, &c. Works Regulation* \* [186].  
*Third Reading—Metropolitan Board of Works (Money)* \* [204], and *passed*.  
*Withdrawn—Parliamentary Elections and Corrupt Practices (Consolidation)* \* [176].

### QUESTIONS.

#### PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. F. O'GALLAGHER, A PRISONER UNDER THE ACT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Mr. Francis O'Gallagher, national school teacher, Gweedore, county Donegal, was recently arrested under the Coercion Act; whether the patron of the school (the Rev. James M'Fadden, P.P.) thereupon recommended that the arrested gentleman's brother (Mr. Denis O'Gallagher), who had on the 30th of June completed his course under the National Board as a second class monitor, and has passed a qualifying examination, should be appointed to succeed him as teacher; whether, in reply, the Board stated that—

"They did not consider this teacher's brother a suitable person to have charge of the school,"

and further—

"That they declined to pronounce any opinion on the question of the restoration to the service of the Board as teacher of this school of Mr. F. O'Gallagher himself"

upon his release; if the Government will state whether the reason that Mr. Denis O'Gallagher is considered an unsuitable person to have charge of the school is because of his brother's arrest on suspicion; and, if not, what is the reason; whether it is usual to refuse the nomination of the teachership to the patron of the school; and, whether the Board intend that all schoolmasters arrested under the Coercion Act shall, after their release, be debarred from further employment under the Board?

MR. W. E. FORSTER, in reply, said, that the manager of the school wrote to say that Mr. O'Gallagher's brother was considered competent; but the result of

his examination could not be known for some weeks. It was entirely at the discretion of the Board whether they appointed the persons recommended or not, and he did not think it right to interfere with that discretion. The managers had the right to appoint teachers, subject to the approval of the Board as to character and general qualification. He could not say what was the intention of the Board as to the schoolmasters who had been arrested under the Protection of Life and Property Act. He understood that the Board had not come to any decision on the point, and had, in fact, not considered it.

MR. HEALY said, the right hon. Gentleman had not answered the fifth part of the Question, which was, whether the Board could refuse a nomination?

MR. W. E. FORSTER, in reply, said, he believed there were instances of the Board having done so; but if the hon. Member would give notice of the Question, he would give a more definite answer.

MR. HEALY gave Notice accordingly.

#### CENTRAL ASIA—RUSSIAN ADVANCES—KUCHAN.

MR. E. STANHOPE asked the Under Secretary of State for Foreign Affairs, Since what date telegraphic communication with Meshed has been interrupted; whether the Government have taken any steps whatever to ascertain the truth of the report as to the annexation by Russia of the district of Kuchan in Persia; and, whether it is proposed that any representative of this Country should be present at any proceedings which may be taken for the delimitation of the new frontier between Russia and Persia?

SIR CHARLES W. DILKE: Sir, when I was asked by the hon. Member for Eye (Mr. Ashmead-Bartlett) to telegraph to Meshed, I replied that we had no direct means of telegraphic communication with the British Agent at Meshed, who is a Persian gentleman, and that he communicates with the British Minister at Teheran, who forwards his Reports to us. We receive full and frequent Reports from Mr. Thomson, and both from them and those furnished to us by Mr. Wyndham there appears to be no truth in the report of the annexation by Russia of the

district of Kuchan. The matter mentioned in the third branch of the Question is under consideration; but we learn that such proceedings will not take place for many months.

MR. ASHMEAD-BARTLETT asked, when the promised map, showing the annexations of Russia in Central Asia, will be laid on the table of the Library?

SIR CHARLES W. DILKE, in reply, said, the Foreign Office had not received a map, but it had received a list of names of places on the frontier, by the aid of which a map was being marked; but there being a difficulty in fixing the exact position of the territories, further information was required and had been telegraphed for from St. Petersburg. The map thus prepared would probably be ready before the end of the Session. An accurate map had been promised them, and he hoped it would be received before the Recess.

#### THE PARKS—THE RIDE IN ROTTEN ROW.

SIR THOMAS BATESON asked the First Commissioner of Works, Whether he has given his attention to the state of Rotten Row, which has been in such a deplorable condition for the last two or three months owing to the clouds of irritating dust in dry weather; whether he will explain the reason for the cessation of almost any attempt to allay the dust by properly watering the Ride, especially in the morning, previous to the bursting of the main pipe of the Grand Junction Waterworks; and, whether he will undertake to consider the desirability (in view of the present low price of iron) of continuing the piping alongside the whole of the Ride, with hydrants at proper intervals, on the same principle as has been so successfully adopted at Paris, thus by this means getting rid of the inefficient and expensive system of using water-carts?

MR. SHAW LEFEVRE: Sir, I did not receive complaints as to the watering of Rotten Row till within the last fortnight, and the Bailiff of the Parks, Colonel Wheatley, informs me that till then the watering was carried on precisely as in former years. Since then there has been a falling off which the contractor explained and justified on the ground of delay caused by the want of pressure of water in the stand pipes. With reference to the use of hydrants,

*Sir Charles W. Dilke*

I am informed that the system was tried four or five years ago on the road between Albert Gate and Hyde Park Corner, but was given up in consequence of complaints that horses were frightened. Judging from the cost of laying the pipes down on that road, the initial cost of laying down the system for the whole of the Ride in the Park would be considerable; but I will make further inquiries on the point before next year.

#### PUBLIC HEALTH—THE HOP-PICKING SEASON—SMALL POX.

MR. J. G. TALBOT asked the President of the Local Government Board, Whether his attention has been called to the danger likely to arise in Kent and other neighbouring counties at the approaching hop-picking season from the immigration of persons from London suffering from small pox; and, whether he can take any steps, by placards or otherwise, to warn those whom it may concern of the illegality of conveying persons in an infectious condition?

MR. DODSON: The attention of the Board has been directed to this subject some days ago, and before Notice was given of the Question instructions had been given for a Circular to the Guardians and rural sanitary authorities in the hop-growing districts in Kent and neighbouring counties cautioning them of the danger likely to arise from the immigration during the approaching hop-picking season of persons from the Metropolis who had been exposed to the contagion of small-pox, and pointing out the measures to be taken for the purpose of protecting the inhabitants of the district and for isolating any persons who may happen to be attacked with the disease. The Board themselves could not undertake to issue placards; but in the Circular, which is gone to press and will be issued as early as practicable, the Guardians are recommended to notify by handbills or otherwise the penalties incurred by the exposure of infected persons and articles of clothing and bedding.

#### ARMY—COLONEL TYRWHITT.

MR. BIGGAR asked the Secretary of State for War, If Colonel Tyrwhitt, Aide de Camp to His Royal Highness the Field Marshal Commanding in

Chief, retired upon half-pay in time of War, and was accordingly, in the terms of then existing Warrants, passed over for promotion in his turn to the establishment of Major Generals; if his promotion on the 18th of May last was in accordance with the decision then come to, and with the provision of the Warrant of 1878, which prescribes the Colonels whose age exceeds sixty-three years shall be ineligible for promotion; and, if his tenure of the grade of Major General from the 18th of May to the 1st July will have the effect of securing to him a pension of £700 a year from the latter date?

MR. CHILDERS: Sir, in reply to the hon. Member for Cavan (Mr. Biggar), I have to state that the claim of Colonel Tyrwhitt to succeed to the establishment of general officers raised questions of some intricacy; but that after full consideration with my financial advisers I was satisfied, as interpreter of Royal Warrants, that the claim could not in justice be refused. The difficulty was not in connection with Colonel Tyrwhitt's age, as the Warrant of the 3rd of August, 1878, expressly allowed colonels who reached that rank before the 1st of October, 1877, to continue on the active list after the age of 63 until promoted; and, in common with many others, Colonel Tyrwhitt exercised his right in this respect when he became 63 in September last. The real difficulty arose out of two apparently inconsistent decisions about qualifying service made by two of my Predecessors. I found, however, that the supposed difficulty had not operated against the claim of other officers similarly situated. Colonel Tyrwhitt has the option of continuing on unattached pay of £450 with the prospect of £1,000 a-year when he approaches the head of the lieutenant general's list or of commuting this with an immediate retirement of £700 a-year.

PARLIAMENT — PRIVILEGE — PUBLIC PETITIONS—THE BRADLAUGH PETITION.

MR. WARTON asked the Secretary of State for the Home Department, Whether,—Considering that by the 23rd section of the 19th chapter of the 57th of George 3 it is unlawful for any person to convene or call together, or to give any notice for convening or calling

together, any number of persons exceeding 50 to meet within the distance of one mile from the gate of Westminster Hall, save and except such parts of the parish of St. Paul's, Covent Garden, as are within the said distance, for the purpose or on pretext of considering or preparing any petition, complaint, or remonstrance to either House of Parliament, and that such meeting, if holden, is an unlawful assembly; considering that Mr. Charles Bradlaugh has given notice for convening and calling together, on Tuesday the 2nd day of August next, a meeting of persons exceeding 50 to meet in Trafalgar Square for the purpose or on the pretext of considering or preparing a petition, complaint, or remonstrance to this House of Parliament; and considering that Trafalgar Square is wholly within the distance of one mile from the gate of Westminster Hall, and is not, nor is any part thereof, in the parish of St. Paul's, Covent Garden; it is his intention to take any steps to prevent such unlawful assembly?

SIR WILLIAM HARCOURT: Sir, I have caused inquiries to be made into this matter, and I am informed by the police that there is no announcement of the proposed meeting at Trafalgar Square on Tuesday next, or of the special objects of the conveners. In answer to the hon. Member's Question, therefore, all I have to say is that in the case of any such meeting being held proper measures will be taken to secure the observance of order and of the law.

LORD CHIEF JUSTICE, &c. (PATRONAGE)—THE RETURN.

MR. H. H. FOWLER asked the Secretary of State for the Home Department, Whether the Return as to Judicial Patronage, ordered in February last, will be laid upon the Table of the House before the Second Reading of the Judicature Amendment Act?

SIR WILLIAM HARCOURT: Sir, I much regret that this Return has not been made before. I communicated a week or so ago with the Lord Chief Justice upon the subject, and I have had an assurance from him that the Return will be prepared as soon as possible. It rests with the Lord Chief Justice altogether, and I am unable to say when the Return will be received.

**FISHERIES—NORTH SEA FISHERIES—  
DEPREDATIONS ON ENGLISH  
FISHERMEN.**

COLONEL BARNE asked the Under Secretary of State for Foreign Affairs, Whether he will inform the House as to the state of the negotiations with France, Holland, and Belgium, as regards the depredations committed on English fishermen by the use of the Belgian Devil?

SIR CHARLES W. DILKE: Sir, the French and Dutch Governments have already agreed to a Conference on the subject being held, but no reply has as yet been received from the Belgian Government. Negotiations on the subject are still proceeding, and it is hoped their result will be satisfactory.

Subsequently,

MR. BIRKBECK asked the Secretary to the Admiralty, Whether his attention has been called to a paragraph in the "Times" of last Saturday, relating to depredations by Dutch on Scotch fishermen off the Shetlands; and, whether, taking into consideration the constant increasing number of outrages by Foreign on English fishermen on the North and East Coasts, and especially alluded to in Mr. W. H. Higgins' Report presented this Session, he will take the necessary steps to keep a larger number of sailing cruisers on the fishing grounds than hitherto, until Her Majesty's Government are able to conclude Conventions with the Belgian, Dutch, and French Governments?

MR. TREVELYAN: Sir, His Royal Highness the Admiral Superintendent of Naval Reserves is requested to call for a Report respecting the alleged depredations by Dutch fishermen off the Shetlands, and especially whether such depredations occurred within or without the territorial three-mile limit. Outside that limit it is very difficult to say that a cruiser is any practical protection to the fishermen. I had on my desk only to-day the story of complications arising out of a complaint from the French Government about a revenue cruiser of ours which had boarded a French fishing vessel in the open sea off Lowestoft. Anything, however, which can be done for the Shetland fishermen, especially at a time when they have been visited by such a terrible disaster as has be-

fallen them in the late gale, shall be done.

MR. BIRKBECK pointed out that this Question also referred to the East Coast.

MR. TREVELYAN, in reply, said, the Admiralty would be quite willing to make inquiries; but he was bound to say that cruisers were of very little value beyond the territorial limit. An inquiry had already been set on foot.

**ARMY ORGANIZATION—THE ROYAL  
WARRANT, 1881—ARTILLERY  
OFFICERS.**

MR. COBBOLD asked the Secretary of State for War, Whether Artillery Officers who were appointed to substantive majorities prior to 1st October 1877, and who complete seven years full pay service as Majors, are entitled under the Royal Warrant of 25th June 1881 to exercise the option accorded to them in the fiftieth section of the Revised Memorandum on Army Organisation, viz., the option to accept promotion to be half pay Lieutenant Colonels, with the privilege of being eligible for regimental or staff service in that rank?

MR. CHILDERS: Sir, in reply to the hon. Member, I must admit that the words of the Warrant do not express with sufficient clearness the intention on this point of the Revised Memorandum, and I will cause the option which it was intended to give to majors of Artillery with seven years' regimental duty to be more plainly given.

**INDIA (FINANCE, &c.)—THE INDIAN  
BUDGET.**

MR. E. STANHOPE asked the First Lord of the Treasury, Upon what day he proposes to take the discussion on the Indian Budget?

THE MARQUESS OF HARTINGTON: Sir, it was stated yesterday by the Prime Minister that it would be impossible to name a day for taking the Indian Budget until further progress had been made with Supply. I am afraid there is no probability that the Budget will be taken either this week or next. I hope by the end of next week to be able to name a day.

**CUSTOMS' DEPARTMENT—COL-  
LECTORS OF CUSTOMS.**

MR. JACKSON asked the Financial Secretary to the Treasury, Whether a

memorial dated November 1880, signed by upwards of 100 collectors of Customs, drawing attention to the anomalous position in which they are placed with respect to the improved scale of salary granted to their subordinates (the examining officers and clerks) has been taken into consideration by Her Majesty's Government; and, if so, whether any decision has been arrived at?

LORD FREDERICK CAVENDISH: Sir, the Board of Customs has, for some time past, been engaged in revising, with the approval of the Treasury, its various departments, in-door and out-door, in London and at the outports. In the course of that revision, a great number of memorials have been presented directly to the Treasury by various bodies of Customs officers, which the Board of Customs had declined to transmit itself, preferring claims of various kinds for improved payments founded on comparisons with other branches of the Service. This is the position of the collectors. It is impossible, with any justice to the public, to deal with these cases rapidly. They involve not only the expensive process of levelling up, but complaints from those up to whom the level is brought nearer that their old superiority is compromised. The memorials of the collectors and of others are receiving attentive consideration by the Treasury. I may, perhaps, be permitted to add that the decision of them in any sense just to the public is not rendered easier by the constant pressure kept upon the Treasury through private Members of Parliament.

#### COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

MR. MAC IVER asked, What was the present position of the *surtaxe d'entrepôt* question with reference to the French Commercial Treaty negotiations; and, whether Her Majesty's Government would take care that no Commercial Treaty should be concluded under which importations of foreign produce in the ports of Great Britain would continue to be subjected to heavier duties than when they were imported into France direct?

SIR CHARLES W. DILKE: Sir, the *surtaxe d'entrepôt* was one of about 10 questions which lay outside the Tariff, but came within the range of discussion. The instructions of the French Commissioners only justified them in dis-

cussing the Tariff. We ourselves raised these eight or ten questions; the Protocols will show the statement made by us, but the French Commissioners made no detailed statement in reply, although they seemed inclined to pay attention to some of the demands we made.

MR. MAC IVER gave Notice that he would repeat his Question a fortnight hence, and would move the Adjournment of the House if he did not get a satisfactory reply regarding the French Treaty negotiations generally.

#### SEIZURE OF EXPLOSIVE MACHINES AT LIVERPOOL.

VISCOUNT SANDON asked, Whether Her Majesty's Government would lay upon the Table of the House the answers received from the Government of the United States to the remonstrances addressed to them with respect to the shipment of "infernal machines" from America to this country? As the right hon. and learned Gentleman the Secretary of State for the Home Department was not in his place, he would, if necessary, give Notice of the Question.

SIR CHARLES W. DILKE requested that Notice should be given.

VISCOUNT SANDON said, he would repeat the Question to-morrow or Thursday.

#### ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 225.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

#### CONSIDERATION. [FIRST NIGHT.]

Order for Consideration, as amended, read.

Bill, as amended, *considered*.

SIR WALTER B. BARTTELOT, on a point of Order, rose to call attention to the manner in which the Amendments were placed upon the Paper. They were down in all manner of places. It would be utterly impossible for anyone to follow the proceedings from the Paper, so as to know what the Government intended to do. He would ask the right hon. Gentleman the Chief Secretary for Ireland in what order the Amendments would be taken?

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MR. W. E. FORSTER, in reply, said, that, according to the general rule, new clauses were taken first, and first among those would come the Government clauses. The Clerks at the Table had arranged the Amendments in their proper order on the Paper up to a certain point in the Bill—a point which, he feared, it would be some time before they reached. The others would be put down in order as they were reached.

MR. LALOR said, not more than half the Amendments appeared on the Paper.

MR. SPEAKER: All the Amendments that have been given in are printed on the Paper this morning, but not in their right places. A certain number of Amendments, with reference to the early clauses of the Bill, have been put down in their right places; and the House will, no doubt, deal with them first.

SIR STAFFORD NORTHCOTE said, it would be convenient to know whether, after the new clauses had been disposed of, if a new clause, which was not on the Paper, were proposed, it would be competent for the House to deal with it before the other Amendments?

MR. SPEAKER: I have to inform the right hon. Baronet that the House does not deal with new clauses without Notice on Report.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved, in page 26, after Clause 42, insert the following Clause:—

(Power for Land Commission and Sub-Commissioners to employ officers and servants of Civil Bill Court.)

"Where the Land Commission or any Sub-Commission hold sittings elsewhere than in Dublin, such Land Commission or Sub-Commission may use the courthouses commonly used for Civil Bill purposes, and the officers of the Civil Bill Courts shall, in the prescribed manner and at the prescribed times, be bound to attend the sittings of the said Land Commission and Sub-Commissions, and perform analogous duties to those which they perform in the case of a sitting of the Civil Bill Court."

The object of the clause was to enable the Land Commission and the sub-Commission, which was intended at times to represent it, to use the Civil Bill Courts and have the assistance of the officers of those Courts in disposing of their business.

Clause (Power for Land Commission and Sub-Commissioners to employ officers and servants of Civil Bill Court,)—

(Mr. Attorney General for Ireland,)—brought up, and read the first time.

MR. HEALY asked, whether the Courts would sit in Dublin?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW), in reply, said, that he could not say. It would depend on circumstances.

Clause read the second time.

Motion made, and Question proposed, "That the Clause be added to the Bill."

MR. GIBSON said, he wished to say one word. Of course, he agreed with the insertion of the clause, for it was necessary that the authority sought by it should be given; but he wished to know whether the Government had fully considered the case of all those officers of the Civil Bill Courts whose duties would be largely increased under this Bill in regard to a proportionate increase of their salaries, in order to see that they were not prejudiced as regarded their rights? In referring to the subject, he was aware that the claims of one class of officers had been dealt with fairly; but he did not know that the Government had taken the power to themselves by any Amendment in the Bill to deal with the other officers in the way of increase of salary. He was quite sure the First Lord of the Treasury would take care that if any increase of work had to be undertaken by those officers, their claims would be fully considered, and dealt with in the Estimate.

MR. GLADSTONE said, the right hon. and learned Gentleman had distinctly pointed out the proper mode of procedure if such cases arose; it would, therefore, be unnecessary to provide in the Bill for such cases. Each case would be amply considered, as regarded its own circumstances, in the Estimates. The character of the appointment and the nature of the duties would be dealt with as they arose, in the way mentioned by the right hon. and learned Gentleman; but in saying that, he must not be understood to say that wherever there was an increase of duties of public servants there would be a claim for compensation. In such cases the whole claims would be considered.

Question put, and agreed to.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved to insert,

after Clause 44, a new clause which provided for the appearance of parties before the Court by their relatives, or by a solicitor of the Supreme Court of Judicature in Ireland, but not a solicitor retained as an advocate by such first-mentioned solicitor.

#### Clause—

(Appearance of parties before Commission and Sub-Commission.)

"Subject to rules made under this Act it shall be lawful for the party to any proceeding before the Land Commission or any Sub-Commission, or with the leave of such Commission or Sub-Commission, for the father or husband of such party, or for a solicitor of the Supreme Court of Judicature in Ireland (but not a solicitor retained as an advocate by such first-mentioned solicitor), or for a barrister retained by or on behalf of such party and instructed by his or her solicitor, but without any right of exclusive audience or pre-audience to appear and address such Commission or Sub-Commission and conduct the case subject to such rules and regulations as may be from time to time prescribed,"—(*Mr. Attorney General for Ireland,*)

brought up, and read the first and second time.

MR. BIGGAR moved, as an Amendment, to leave out the words "but not a solicitor retained as an advocate by such first-mentioned solicitor," as they were entirely unnecessary. He said the point was one that gave rise to considerable discussion when the County Officers and Courts (Ireland) Bill was before the House. There was a difference of opinion upon the matter on the part of the professional and non-professional Members, the view held by the latter being that it was quite legitimate that one solicitor should be allowed to ask for the assistance of another as to the conduct of the case, and for the interest of his client. There were many young barristers who had not sufficient knowledge or experience to deal with particular cases, and the services of a local solicitor would be much more valuable in such cases. He would be better qualified, for in most instances he would be found to have the Acts in question at his fingers' ends, and from his local experience he would be better able to take care of his client's interests. It would also save much expense to the suitor, for the services of a barrister brought from Dublin sometimes cost 50 guineas, while an able solicitor would conduct the case equally well at from three to five guineas a-day.

#### Amendment proposed,

In line 5, to leave out the words "but not a solicitor retained as an advocate by such first-mentioned solicitor."—(*Mr. Biggar.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. SHAW said, he entirely agreed with the hon. Member for Cavan (Mr. Biggar) that the Amendment should be accepted. The limitation was entirely unnecessary, and the clause, as it stood, would impose a heavy expense on suitors in many districts in Ireland. He trusted the Government would accede to the Amendment.

MR. PLUNKET opposed the Amendment, and hoped it would not be agreed to. The matter was very carefully considered in the year 1877 by a Select Committee of the House which had to decide that among other matters; and to adopt the Amendment would be to depart from the course of action then decided upon after full investigation.

MR. PARNELL supported the Amendment, and said he wished to remind the right hon. and learned Gentleman who had just spoken (Mr. Plunket) that the Select Committee he referred to—that upon the County Officers and Courts (Ireland) Bill of 1877—agreed to their decision, in the direction of the limitation proposed by the clause, by a majority of 1 only, when he (Mr. Parnell) and his hon. Friend (Mr. Biggar) were absent, and had they been present, they would have voted the other way. He thought they ought to provide a simple and cheap method for enabling the tenant who desired to go before the Court to have his case conducted. If counsel was insisted on in every case, they would practically put an inseparable barrier to that being done. The clause was framed in the interest of the junior Bar of Ireland; but he (Mr. Parnell) thought the Bill would benefit the Bar, senior and junior, quite enough, without extending the benefit by the limitation proposed.

MR. MARUM said, he spoke disinterestedly and with very great respect for his hon. Friends who sat around him; but he thought the adoption of the Amendment would be contrary to the interests of the tenant farmers.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the chief

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reason for retaining the words was that they appeared in the corresponding section of the Civil Bill Courts Procedure Act. The Civil Bill Court dealt with the same class of cases, and it would be inconvenient to have a different set of rules regulating the practice where the proceedings were of the same class, held in the same Court, and employing the same officers. He desired to point out that any suitor might employ a solicitor to plead, if he choose, before the Land Commission; and really all the words would do would be to prevent a suitor having to pay double fees—to one solicitor for getting up the case, and fees to another who, from his powers of speech, would act as advocate.

MR. HEALY supported the Amendment, and considered it would prove of advantage to the suitor. He could see nothing in the argument of the right hon. and learned Gentleman the Attorney General for Ireland but the legal desire to make things square. Really, the cases to be brought before the Civil Bill Court and the Land Commission were altogether distinct.

MR. GIVAN, as a practising solicitor, said he wished to testify to the inconvenience caused by the words of the clause proposed to be retained. The bringing of eminent advocates from a distance generally caused waste of time; and the inconvenience would be met if the suitor was allowed to employ a second solicitor, when he had a large number of witnesses to examine.

MR. MITCHELL HENRY said, the object should be to cheapen litigation as much as possible for the suitor. Although he did not think the leaving out of the words proposed by the hon. Member for Cavan (Mr. Biggar) would have that effect, he thought a solicitor should be empowered to argue the case in the Court, instead of having one solicitor preparing the case and another arguing it.

MR. LEAMY said, many solicitors would be infinitely preferable to young barristers in cases arising under the Bill; and were they to deprive a tenant of the best advocate he could get, simply because he happened to be a solicitor?

MR. FINDLATER warmly approved of the Amendment. Hitherto, barristers had everything their own way; and, in his opinion, the retention of the words in the clause was intended to preserve

the monopoly which the Bar and Bench had heretofore enjoyed.

MR. BIGGAR said, he must press the Amendment to a division, for he thought the Government was much to blame in refusing to accept it.

Question put.

The House *divided*:—Ayes 161; Noes 41: Majority 120.—(Div. List, No. 333.)

MR. HEALY moved, as a further Amendment, to add, after the word "solicitor," the words "unless with the sanction of the Court." He thought the Government, after accepting his Amendment in Committee, should have no objection to omit these words. The limitation they proposed was not at all in the spirit of his Amendment.

Amendment proposed,

In line 5, after the second word, "solicitor," to insert the words "except with the sanction of the Court."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he was sorry he could not accept the Amendment. It would be throwing the odium of refusing on the Court, and pressure would be put upon them to grant their sanction. The clause was simply a copy of one in the English County Court Act.

MR. DAWSON remarked, that if it was the manifest wish of the people that a second solicitor should be employed, the Government should have no objection to accede to it.

MR. BIGGAR said, that the rule in all County Courts was for solicitors to practise, and not barristers. He thought the Government should accept the Amendment.

MR. LEAMY said, there was very good ground why the Amendment should be accepted.

Question put.

The Committee *divided*:—Ayes 35; Noes 180: Majority 145.—(Div. List, No. 334.)

Clause *added*.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved, in page 28, after Clause 45, to insert the following Clause:—

*The Attorney General for Ireland.*

(Disqualification for seat in Parliament.)

"No person being a Member of the Land Commission or an Assistant Commissioner shall, during the time that he holds his office, be capable of being elected a Member of or sitting in the Commons House of Parliament."

Clause *brought up*, and read the first and second time.

Clause *amended*, by inserting in line 1, after the word "of," the words "or holding office under;" and in the same line, after the word "or," inserting the word "being."

Clause, as amended, *added*.

MR. O'SHEA moved, in page 13, after Clause 18, insert the following Clause:—

(Power to limited owner to leave out one-fourth of price of holding on mortgage.)

"A landlord, being a limited owner as defined by the twenty-sixth section of 'The Landlord and Tenant Act, 1870,' may, in case of purchase by the tenant from the Land Commission under the provisions of this Act, exercise, with the sanction of the Court, to the same extent as if he were an absolute owner, the power of permitting any sum to remain on mortgage, not exceeding one-fourth in amount of the price which the tenant, under the provisions of this Act, may pay as purchase money to the Land Commission, such mortgage however to be subject to any charge of the Land Commission; and the principal moneys arising from such mortgage shall be dealt with in the manner provided by the Lands Clauses Consolidation Acts with respect to the purchase money or compensation coming to persons having limited interests."

The hon. Member said he hoped that the clause would meet with support from both sides of the House. It was introduced in the interest of the landlords as well as in that of the tenants, and would work no injustice to the State. He believed that many of the landlords in Ireland, four-fifths of whom were limited owners, would be glad to sell portions of their estates, especially outlying properties, if enabled by this clause to receive three-fourths of the price from the Commissioners and to leave the balance out on a mortgage, the security of which would increase year by year, as the charge to the Land Commission was paid off. Nor would the remainder man suffer, because the security in the hands of the trustees after the operation would be a portion of the value of the estate realized in cash, and the balance a charge on the land, the sum of these being equal to the present value of the estate, no more and no less. The clause would

rapidly increase the number of peasant proprietors. He could not understand why the Government would not accept the Amendment, unless they were afraid of too great haste in the establishment of that class of the people.

Clause *brought up*, and read the first and second time.

Motion made, and Question proposed, "That the Clause be added to the Bill."

MR. GLADSTONE said, there was no jealousy of the clause as tending to a too rapid creation of peasant proprietors; and the only question on which he should have liked to hear the opinion of some one interested in Irish land, or who represented that interest, was the question of the position of the remainder man in or under the clause—whether it was compatible with the practice of the Courts to leave him in the position of a person having a fourth of his interest standing out on second mortgage. For his part, he was inclined to think the clause was in the nature of a blow at limited ownership. He was not objecting to that, provided it was a blow fairly struck. In truth, the upshot of the matter was this. As far as the Government were concerned, they had no prejudice to the clause, provided it was one that was generally recognized by all concerned as equitable in spirit, and to be adopted on the whole in the interests of all parties; but he should be against their placing themselves in the position of having done an injustice to any person by the insertion of such a clause, and, even at that late period, he would wish to leave the ultimate judgment until they had received more light upon the subject.

MR. O'SHAUGHNESSY supported the clause, which he considered a most important one, especially in Ireland, where there was so much of the land held in settlement. This was a question of value, the real question to be determined being the value of the estate. Such matters could be far better decided by the Court which was selling the estate, and knew its value and conditions, the character of the tenants, and all about the security that the land would offer, than by the Court of Chancery. He trusted the clause would be adopted in one form or another, as he thought it would be a boon to the small farmers,

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if it could be worked fairly to the remainder man. The power was to be exercised by the limited owner only with the sanction of the Court, and it might, perhaps, be provided that the Court should have regard to the interests of the remainder man. The curse of Ireland was limited ownership heavily incumbered.

MR. VILLIERS STUART, speaking as a landlord, hoped the clause would be accepted by the Government in some form. Four-fifths of the estates in Ireland were held under limited ownership; and if no such provision were inserted in the Bill, the good effect of the Purchase Clauses would be much curtailed. He agreed with the hon. and learned Member for Limerick (Mr. O'Shaughnessy) as to the evil of limited ownerships.

MR. GIBSON said, that, while anxious to meet any great public want, in common with the right hon. Gentleman the Prime Minister, he saw great difficulties in carrying out the clause as now framed if it were added to the Bill. He would have been glad if it had been presented in Committee, so that it could have been discussed in a more conversational manner, for the object of the clause was a good one. It provided that the limited owner should practically be treated as if he were the absolute owner, and that was a serious provision, as it practically left but little discretion to the Court. Then, again, the interest of minors would be prejudicially affected, from the fact that the Government would have a first charge to the extent of three-fourths of the purchase money, leaving the security for charges for minor children very small indeed. He would gladly consider any clause which would give facilities to tenants to purchase their holdings on conditions which would be fair to all parties; but that object could hardly be attained by the clause of his hon. Friend (Mr. O'Shea). He objected to its being added to the Bill in its present shape; and, in fact, should have criticized its being read a second time if it had not been for the fact that his attention was taken off the discussion until the clause had passed the second reading.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was glad the right hon. and learned Gentleman (Mr. Gibson) was favourable to

the object of the clause. But there was certainly a difficulty about it as it stood, and he would see if by any amendment of the Bill, he could overcome it.

MR. GIVAN thought it better for a matter of this kind to be dealt with by subsequent legislation, altogether independent of the Bill, as it would be throwing an amount of extra work on the Land Commission, and he would, therefore, suggest that the clause should be withdrawn.

MR. O'SHEA said, he would withdraw his clause.

Motion and Clause, by leave, *withdrawn*.

MR. SPEAKER said, that the next clause on the Paper, in the name of the hon. Member for Lincolnshire, proposed to be inserted after Clause 7, providing that the Commission should be enabled to purchase encumbered estates where the judicial rent was less than the public charges, was out of Order. It involved a money charge upon the people, and could not be proposed without the sanction of a Committee of the House.

MR. VILLIERS STUART moved, in page 15, after Clause 20, insert the following Clauses:—

(Tenant obtaining advance from Land Commission may be required to let part of his holding to his labourers.)

"Before making any advance to a tenant for the purpose of supplying money for the purchase of a holding, the Land Commission may, where the holding is fifty acres or more in extent, require as a condition of such advance that such part or parts of the holding as the Land Commission shall select shall, so long as any portion of the advance remains unpaid, be let by the tenant in plots of one-half of an acre each or thereabouts to the labourers from time to time employed by him in the cultivation of the holding at a weekly or other rent to be fixed by the Land Commission: Provided always, that in no case shall a tenant be required, under the provisions of this section, to let to his labourers more than one-fiftieth part of his holding."

(Power to Commission to take land to resell or relet to labourers.)

"Any land may be taken by the Land Commission for the purpose of reselling or reletting the same or any part of it to labourers in plots or allotments not exceeding one-half an acre each. The land so to be taken shall adjoin or be near to labourers' dwellings, or to villages in which there are six or more labourers' dwellings."

"The price to be paid by the Land Commission for any land taken under the powers of this section shall be settled under the provisions of the Lands Clauses Consolidation Acts. The sale

*Mr. O'Shaughnessy*

by the Land Commission of a plot or allotment to a labourer shall be in consideration of a principal sum to be paid as the whole price, and the Land Commission may advance to such labourer the whole or any part of such principal sum; any such advance shall be repaid and secured to the Land Commissioners in the manner provided by section twenty-two.

"A plot or allotment may be let by the Land Commission to a labourer on such terms as they shall approve.

"Any land taken by the Land Commission under the powers of this section and not sold or let by them to labourers, may be sold by them under the provisions of section twenty-one."

(Delivery of possession of allotment wrongfully overheld.— Compensation for crops.)

"Where under the provisions of this Act any plot or allotment has been let by the Land Commission to a labourer, or by a tenant to a labourer in his employment, the 16th section of the Summary Jurisdiction (Ireland) Act, 1851, shall be applicable to the delivery of the possession of such plot or allotment when wrongfully overheld in the same manner as it would now apply to the delivery of the possession of any tenement within the said Acts: Provided always, that where the labourer shall have sown or planted on the plot or allotment any growing crop which he shall be unable to save by reason of the determination of the tenancy, the justices shall, by a distinct order, fix such sum (if any) as they shall think a fair compensation to him for the loss of such crop, after all just and proper deductions on account of any arrear of rent then due, and no warrant shall issue to execute the order for possession until the sum so fixed by order for compensation shall have been paid or tendered to the tenant."

The hon. Member said the case of the farm labourers had been put so fully before the House, and had raised so much sympathy from hon. Members, that he thought he could take their case as accepted, more especially as the proposition of the right hon. Gentleman the Chief Secretary for Ireland was carried the other day without a division. The object of the clauses was to extend to those cases under which the Land Commission assisted tenants to purchase holdings, the same conditions with regard to farm labourers as had already been passed in those cases where a judicial rent was fixed.

Clauses brought up, and read the first time.

Motion made, and Question proposed, "That the said Clauses be now read a second time."

MR. W. E. FORSTER said, he could not accept the clauses, for he did not see how they could put the tenant into a different position in this respect, merely

because he had applied to purchase his holding.

Question put, and *negatived*.

MR. SPEAKER said, that the next clause on the Paper, standing in the name of Mr. Parnell, proposed to be inserted after Clause 26, and providing for the reclamation and improvement of waste land, was out of Order, for the same reason that applied to the former one proposed by Mr. Chaplin.

Clause 1 (Sale of tenancies).

MR. BIGGAR proposed to omit from sub-section 3 the words "or in the event of disagreement may be ascertained by the Court to be the true value thereof." The preceding words of the section were—

"On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon."

Amendment proposed,

In page 1, line 18, to leave out after the word "upon," to the end of sub-section (3).—*(Mr. Biggar.)*

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. GLADSTONE said, if the Government were to modify in any manner this principle of pre-emption, as laid down in the clause, which had been so fully discussed and approved of by an enormous majority of the House, they should be opening the entire Bill to re-discussion without the slightest prospect of arriving at a more satisfactory conclusion. When he remembered the feeling, almost of despair, with which the Government had viewed the question whether they would ever get through the clause in Committee, and the relief they felt when they did get through it, he could only express a hope that the hon. Member (Mr. Biggar) would not subject them to a repetition of that dreary experience. He should look upon the acceptance of the Amendment as a distinct breach of faith on the part of the Government.

MR. HEALY said, the matter had been decided by the Committee; and, although he regretted the decision which had been arrived at, yet he hoped his hon. Friend would not press the Amendment.

Amendment, by leave, *withdrawn*.

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## Amendment proposed,

In page 1, line 21, to leave out the words "some other person than the landlord," in order to insert the words "a proposed incoming tenant,"—(Mr. Warton,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 1, line 24, insert as a new sub-section :—

(5.) If the tenant fails to give the landlord the notice or information required by the foregoing sub-sections, the Court may, if it think fit, declare the sale to be void."

Alter the numbers of subsequent sub-sections.

The right hon. and learned Gentleman pointed out that inconvenience would arise if the tenant who was going to sell his interest did not give notice to the landlord. In case of sale the landlord, as at present provided, would have the right to proceed to the Court of Chancery and get the sale set aside; but, by this sub-section, it was proposed that the Court, under the Bill, should have the power now possessed by the Court of Chancery.

Amendment *agreed to*; sub-section *inserted* accordingly, and consequent alterations made in numbers of following sub-sections.

On Motion of Mr. GIBSON, Amendment made in sub-section (6), page 2, line 9, after the word "debt," by inserting the words "including arrears of rent."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that in order to redeem a promise made in Committee, he would move the deletion of the 7th sub-section, and the substitution of one providing for the apportionment by the Court of the purchase money as between the tenancy and the landlord's property in improvements executed by him solely or jointly with the tenant; and that such improvements so sold shall be deemed to have been made by the purchaser of the tenancy.

## Amendment proposed,

In page 2, line 13, to leave out sub-section 7, and insert the words "Where permanent improvements have been made on a holding by the landlord or his predecessors in title solely or by him or them jointly with the tenant or his predecessors in title, and the landlord, on the application of the tenant, consents that his property in such improvements shall be sold along with the tenancy, and the same is so sold accordingly, the purchase-money shall be apportioned by the Court as between the landlord's property in such improvements and the tenancy and the part of the purchase-money so found to represent the landlord's property in such improvements (but subject to any set-off claimed by the tenant) shall be paid to the landlord; and such improvements so sold shall be deemed to have been made by the purchaser of the tenancy,"—(Mr. Attorney General for Ireland,)—instead thereof.

Question, "That the words proposed to be left out stand part of the Bill," put, and *negatived*.

Question proposed, "That those words be there inserted."

MR. LALOR pointed out several objections to the paragraph.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he could assure the hon. Member that his objections were only imaginary. Where the landlord and the tenant agreed that the landlord's improvements should be sold to an incoming tenant, so that they might be dealt with in the same way as if they were the tenant's improvements, then the Court, out of the purchase-money, would apportion to the landlord such sum as represented his property in the improvements as distinguished from the tenant's interest in the holding.

MR. DAWSON said, it would be necessary for the protection of the tenants that the Court should on their behalf make the inquiries requisite.

MR. GLADSTONE said, he did not see what protection the tenants required. It was provided that the landlord should receive compensation for his improvements out of the purchase-money. This, of course, would be borne in mind at the time the sale took place.

MR. MACARTNEY said, he thought the landlord who had made improvements and laid out his capital upon them was somewhat prejudiced by this proposal.

MR. BIGGAR proposed an Amendment omitting certain words.

Amendment proposed to the said proposed Amendment,

In line 4, to leave out the words "consents that his property in such improvements shall be sold along with the tenancy."—(*Mr. Biggar.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

Amendment to the proposed Amendment, by leave, *withdrawn*.

Words inserted.

Amendment proposed,

In page 3, line 16, after the first word "may," to insert the words "at his option."—(*Mr. Warton.*)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn*.

SIR HERVEY BRUCE moved an Amendment to the effect that the provisions of the clause should not be deemed to apply to unreclaimed moorland, to town parks, or to demesne lands which might have been temporarily let. He laid most stress on the moorland, because he knew that a great deal of moorland was held from year to year for grazing purposes; but it had been mixed up with other holdings which, under the Bill, would become the property of the tenant absolutely.

Amendment proposed,

In page 3, line 24, at the end of Clause 1, to insert the words "The provisions of this Clause, with its sub-sections, shall not be deemed to apply to unreclaimed moorland, to town parks, or to demesne lands which may be temporarily let."—(*Sir Hervey Bruce.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he had no objection to the Amendment so far as it applied to town parks or demesne lands; but as regarded unreclaimed moorland, there was nothing in the objection of the hon. Baronet the Member for Coleraine. If unreclaimed moorland was part of the holding, then it was clear that it would be subject to the provisions of the clause; if it was not part of the holding, it would not come under the operation of the clause.

Amendment, by leave, *withdrawn*.

MR. HEALY proposed, as an Amendment, that the clause should not apply

to ordinary tenancies. He wished to have some understanding from the Government, as to whether all the restrictions on the right of free sale were to apply to the tenants who did not get the benefit of the Bill.

Amendment proposed,

In page 3, line 24, at the end of Clause 1, to insert the words "This Clause shall not apply to ordinary tenancies."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW), in objecting to the Amendment, said, that it would not be favourable to the tenant. It was the intention of the Government that the clause should apply to all ordinary tenancies—those from year to year, as well as others. The ordinary tenant from year to year still retained his Common Law right of assignment, seriously affected no doubt as that was by the right of the landlord to refuse to accept the incoming tenant, a right which in its turn was tempered by the right of the tenant to compensation for improvements. This clause gave the tenant the right of forcing the purchaser of the farm on the landlord, if the latter could not give any substantial reason for refusing him. That, he considered, was a very considerable concession to the tenants, and, for that reason, he could not accept the Amendment, as, in his opinion, it was unnecessary.

MR. HEALY, in withdrawing the Amendment, said it was quite true that the clause gave the right of assignment to the tenant; but it was of no use to him, as the landlord might serve his successor with notice to quit also.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 2 (Devolution of tenancies).

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, that in order to carry out an understanding which had been come to in Committee, he would move, in page 3, line 33, after "estate," to insert—

"Then, if his personal representatives serve notice on the landlord nominating some one of the legatees or next of kin to succeed to the tenancy, such person shall have the same claim to be accepted by the landlord as if the tenancy had been sold to him by the testator or intestate, and in default of such notice."

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The Amendment was introduced with a view to giving the legatees of the deceased the power of presenting a single tenant to the landlord, and preventing the necessity of a sale.

Amendment agreed to; words inserted accordingly.

Amendment proposed,

In page 3, to leave out from the word "Where," in line 37, to the word "estate," in line 41, both inclusive.—(*Mr. Biggar.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 3 (Increase of rent to attract statutory conditions, or enhance price on sale).

LORD JOHN MANNERS moved an Amendment, in page 4, line 3, the object of which was to enlarge the operation of the clause in facilitating agreements between the landlord and the tenant outside the Court, in order to diminish expense and prevent litigation between the parties concerned.

Amendment proposed,

In page 4, line 3, after the word "mentioned," to insert the words "or agree with the tenant of a present tenancy that the rent payable at the time of such agreement or some lesser rent shall be paid by the tenant for a term of fifteen years."—(*Lord John Manners.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he quite saw the object of the noble Lord, and should be disposed to assist him in attaining it; but he was afraid that the attempt to do so by this Amendment would throw the Bill out of gear.

MR. GIBSON supported the Amendment as one that would diminish litigation.

MR. GLADSTONE said, that perhaps the object might be attained without inconvenience by an addition to the clause.

MR. GIBSON said, he would consult with the noble Lord as to acting on the suggestion.

Amendment, by leave, *withdrawn*.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) (for Mr. ATTORNEY

*The Attorney General for Ireland*

GENERAL for IRELAND) moved an Amendment, the object of which was to render the landlord liable for the expenses attendant upon the sale of a holding where the Court was satisfied that he had forced the tenant to such sale by demanding an unfair rent.

Amendment proposed,

In page 4, line 20, after "rent," add "together with such further sum (if any) as the Court may award in respect of his costs and expenses in effecting such sale."—(*Mr. Solicitor General.*)

Question proposed, "That those words be there added."

MR. GIBSON said, the words now proposed might enable the Court to award costs and expenses wholly independent of the decision upon the fairness of the rent.

Amendment agreed to; words added accordingly.

Clause, as amended, *agreed to*.

Clause 4 (Incidents of tenancy subject to statutory conditions).

On Motion of Mr. ATTORNEY GENERAL for IRELAND, the following Amendments made:—In page 4, line 36, after "not," insert "to the prejudice of the interest of the landlord in the holding;" and in lines 36 and 37, leave out "to the prejudice of the interest of the landlord in the holding."

Amendment proposed, in page 4, line 42, after the word "landlord," to insert the words "in the prescribed form."—(*Mr. William Henry Smith.*)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn*.

MR. MACARTNEY proposed, at end of sub-section 3, to add the words "or erect any buildings thereon which are not suitable and necessary for working it properly." His object was to protect the landlords against the erection by tenants of buildings totally unsuitable for a small holding. A landlord should not be compelled to pay for any buildings which were unsuitable or unnecessary to the working of the farm. A man might have two adjoining farms, one of 20 acres and another of 100 acres, and he might erect on the smaller farm buildings quite suitable to the two holdings as a whole, but quite unsuited to the smaller one by itself.

## Amendment proposed,

In page 4, line 43, at end of sub-section 3, to insert the words "or erect any buildings thereon which are not suitable and necessary for working it properly."—(*Mr Macartney.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought the Amendment was not necessary, and preferred to retain the Bill as it stood. A tenant was not likely to lay out money in a way which would risk his chance of obtaining compensation by erecting buildings unsuitable to his holding; and even if he did, other provisions of the Bill would protect the landlord being compelled to pay for any buildings which were not suitable to the holding.

MR. MACARTNEY still insisted that the Amendment was necessary.

MR. GIVAN opposed the Amendment, which he considered would render still more complicated the clause, which was already objectionable on that account.

SIR STAFFORD NORTHCOTE suggested that the Equities Clause would meet the case. Under that clause the Court would be able to refuse compensation for buildings, to the erection of which the landlord had objected, and which were unsuited to the holding.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he must still oppose the Amendment, which he thought quite useless.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, the following Amendments made:—In page 5, line 1, after "or," insert "the letting of land for the purpose of temporary depasturage or the;" in the same line, after "conacre," insert "of land;" and after "of," insert "its;" in lines 3 and 4, leave out "or for the purpose of temporary depasturage."

MR. BIGGAR proposed to amend the clause by omitting the sub-section which provides that—

"The tenant shall not do any act whereby his tenancy becomes vested in an assignee in bankruptcy."

Amendment proposed, in page 5, to leave out sub-section 4.—(*Mr. Biggar.*)

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Question proposed, "That the words proposed to be left out stand part of the Bill."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) opposed the Amendment. If a man became a bankrupt his holding must be sold, and it was really not very material whether it was sold by the tenant under pressure from the landlord, or by the assignee in bankruptcy. The question, however, as to the omission of the sub-section had been already largely discussed, and the general opinion was in favour of its retention.

Amendment, by leave, *withdrawn*.

MR. PLUNKET moved the insertion in the clause of words reserving to the landlord the royalties on mines, minerals, and quarries on holdings in possession of tenants, for the statutory term.

Amendment proposed,

In page 5, line 7, after the word "bankruptcy," to insert the words "during the continuance of a statutory term, all the royalties, mines, minerals, and quarries shall be deemed to be expressly reserved to the landlords."—(*Mr. Plunket.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the object of the Amendment was already secured by the provision in the clause enabling the landlord to enter on the holding in order to obtain minerals; and as to what were popularly called "royalties," it was doubtful whether, in many cases, they belonged to the landlord at all.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 5, line 13, after the word "minerals," to insert the words "or digging or searching for minerals."—(*Mr. William Henry Smith.*)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 5, line 18, to leave out all the words from the word "and," to the end of line 19, both inclusive.—(*Sir Hervey Bruce.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment, by leave, *withdrawn*.



Amendment proposed, in page 5, line 21, after the word "at," to insert the word "all."—(*Mr. Warton.*)

Question proposed, "That the word 'all' be there inserted."

Amendment, by leave, *withdrawn*.

MR. PARNELL moved an Amendment, in page 5, line 23, after the words, "Hunting, shooting, fishing, or taking game or fish," to omit the words—

"The right of taking which shall belong exclusively to the landlord, subject to the provisions of the Ground Game Act 1880."

These words, the hon. Member said, had been inserted in rather a hurried fashion in Committee, it being pointed out that in the case of a statutory tenancy the game should belong to the landlord. That was far too sweeping a provision, and one which they ought not to assent to. The law, as it at present stood, gave the game to the yearly tenant; but where the landlord was in the habit of shooting or fishing himself, or of letting his game to other people, it had been the custom amongst yearly tenants passively to give up the right which they legally possessed. As the Bill at present stood, it provided that a right of taking game should belong exclusively to the landlord. What punishment would be awarded to the tenant if he broke through that provision? There were many cases where the landlord never shot game, and where the tenant thought himself fairly entitled, as undoubtedly he was legally entitled, to shoot the game on his farm; but, by the provision he had read, such a tenant would render himself liable to a penalty if he shot game in future. It was a very stringent provision to enact that in every case where a statutory term had been entered upon, whether the landlord had been in the habit of shooting game or not, that game should henceforth belong to the landlord. That reversed the legal position of the parties, and involved an amendment of the Irish Game Laws, which was entirely outside the object of the Bill.

Amendment proposed, in page 5, line 23, to leave out from the word "the," to "1880," in line 25, both inclusive.—(*Mr. Parnell.*)

Question proposed, "That the words 'the right of taking which' stand part of the Bill."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) admitted that, as the law now stood, the tenant in occupation, in the absence of any agreement to the contrary, had the right of shooting the game on his farm; but his right in that respect was somewhat precarious, because, being only a tenant from year to year, he was liable to be dispossessed by notice to quit if he insisted on his legal game rights. By the Act of 1870, it was provided that if a tenant was disturbed because he refused to allow the landlord to shoot, fish, or hunt, he should be disentitled to any compensation for disturbance—in other words, the landlord, by means of his power to serve notice to quit, without incurring liability to compensation, practically enjoyed the exclusive right to the game. The Legislature were now introducing a tenure of a more durable character, which would be, in many respects, equivalent to a lease, and they had naturally to consider what should be the rights in respect of game having regard to what a landlord would reserve on an ordinary lease. Unquestionably, he would reserve the right of shooting and fishing. He thought, on the whole, they must adopt some mode of adjusting the matter, without excluding the landlord from rights which substantially he had hitherto enjoyed.

MR. TOTTENHAM said, he was glad to know that the right hon. and learned Gentleman the Attorney General for Ireland intended to relieve the tenants of one of their most obnoxious duties—namely, the prosecution of offenders under the Game Act. Although the game was nominally in the possession of the tenant, he did not think the Amendment should be accepted, for it was always understood that it should be vested in the landlord.

MR. DAWSON thought the hard-working tenant, who produced the rental, ought to have the right to enjoy all such sports as fishing and hunting equally with the landlord. He certainly thought that such an invidious distinction would have the effect of perpetuating ill-feeling between the two classes. Why was not the tenant to enjoy all the sports of a free man? He should rather desire to see landlords and tenants meeting in the pursuit of such sports. He hoped that the Court constituted by the Bill would be empowered to give con-

current rights of sporting to the tenants in the leases settled under its jurisdiction.

Mr. PARNELL said, that having come to the conclusion that his Amendment had too wide a scope, he would, with the leave of the House, withdraw it.

Mr. GIBSON said, that any proposal to curtail the acknowledged rights and privileges of the landlords in Ireland with respect to "game" would be received with a very great amount of criticism. The almost universal practice in Ireland was to reserve in all leases the rights of sporting to the landlord. That being the usage for many years, it had become recognized, and no attempt had ever been made in the slightest degree to interfere with such rights. Now, however, the Bill would render impossible in Ireland the existence of tenancies from year to year, for every tenant from year to year could be changed into a tenant for 15 years, and at the end of that period his tenancy might be continued for other periods of 15 years indefinitely. Therefore, a landlord would have no opportunity of stepping in and regulating his rights of property unless the right of so doing were now reserved to him. He trusted the House would not agree to any Amendment having as wide a scope as that of the hon. Member for the City of Cork (Mr. Parnell). If any attempt were made in that direction, it should at once be rejected.

Mr. MARUM said, it was quite true that there were a great many large properties on which these rights were reserved to the landlord; but there were also a large number of cases in which there was no such reservation, and where the tenants had also concurrent rights at that moment.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would propose an Amendment providing that, as between landlord and tenant, hunting, shooting, fishing, or taking game, salmon, or sea trout should belong exclusively to the landlord. It would be very hard, for instance, to prevent a man from catching an eel.

Amendment proposed,

In page 5, line 24, to leave out the words "the right of taking which," in order to insert the words "and as between the landowner and ten-

ant, the right of shooting and taking game, and taking salmon and sea trout."—(Mr. Attorney General for Ireland.)

Question "That the words proposed to be left out stand part of the Bill," put, and *negatived*.

Question proposed, "That those words be there inserted."

Mr. CALLAN objected to the Amendment, on the ground that landlords had never yet enjoyed an exclusive statutory right of shooting and taking game.

Mr. PARNELL also objected to the Amendment, and thought it too sweeping in giving the landlord the exclusive right of taking fish and game during the continuance of the statutory term. Might the case not be met by the insertion of some terms to the effect that "If the landlord, when the statutory term is being granted, require this right to be reserved?" There were many cases where the landlord did not trouble himself about the game and fish.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had no objection to that Amendment of the proposed Amendment.

Mr. TOTTENHAM suggested that the word "sea" should be left out, as the fresh water rivers contained in many places very valuable trout.

Mr. PARNELL said, his Amendment to the proposed Amendment would come in more appropriately later on.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) explained that the reason why sea trout were proposed to be reserved to the landlord conclusively was, because they were very valuable, whereas a concurrent right, he thought, would be sufficient with respect to ordinary trout.

Mr. CALLAN thought the wording of the clause with these Amendments would be clumsy and redundant.

SIR HERVEY BRUCE thought that eels also should belong exclusively to the landlord.

Mr. GIBSON supported the suggestion of the hon. Member for Leitrim (Mr. Tottenham). The Amendment meant a most extensive change in the clause as it stood before the Committee. The effect of the suggestion now before them would really be to destroy for the landlord the fishing of some of the most enjoyable trout streams in the country. He thought that the Bill did not actually

purport to take away from the landlord anything of his amenities; but this Amendment of the right hon. and learned Gentleman would most certainly do so, for the right of fishing was generally looked upon as one of the greatest he possessed. If the exclusive right to take trout were taken from the landlords, many of them would be robbed of the greatest pleasure they had enjoyed in their estates. He suggested that the clause should read so as to give the landlord the exclusive right of shooting and taking game, and the right of fishing and taking fish.

Mr. H. R. BRAND thought that the suggestion of the hon. Member for the City of Cork (Mr. Parnell) was a good one, and that the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland would complicate the clause, and tend to make it unintelligible.

Mr. DE LA POER BERESFORD opposed the Amendment.

Mr. MITCHELL HENRY thought the right hon. and learned Attorney General for Ireland's proposal a serious one, which required further consideration. Such an Amendment as that might have a very serious effect upon those who wished to remain resident upon their properties. He hoped the right hon. and learned Gentleman would agree to let the clause remain as it was.

VISCOUNT FOLKESTONE thought it would be far more satisfactory to let the clause stand as it was, without the Amendment of the right hon. and learned Gentleman. The right of fishing was not only a marketable commodity, but it was a very valuable one. Indeed, he (Viscount Folkestone) should not be surprised that during the last few years, in many cases where landlords had not been able to get their rents from the tenants, or had had the greatest difficulty in doing so, they had had to be almost entirely dependent upon their rights of fishing for the means of a livelihood.

Mr. O'SHEA hoped that his right hon. and learned Friend would give way. It was remarkable that so few quarrels between landlord and tenant took place about game. The tenants were satisfied as things now stood; and he believed the proposal, if adopted, would introduce a new cause of dispute between tenant and landlord.

*Mr. Gibson*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the clause might be so left that the right of shooting, fishing, &c., should belong exclusively to the landlord where he required it at the commencement of the tenancy.

CAPTAIN AYLMER said, that in many parts of Ireland, as was well known, large numbers of inns had been built upon the banks of the streams where fishing could be obtained, and these were yearly visited by many English and other tourists. These places were of great advantage to the country in many ways, and they would be entirely destroyed were the fishing right of the landlord abolished.

Mr. PARNELL suggested that matters might be simplified by leaving the right discretionary to the Court.

Mr. GLADSTONE said, he thought to introduce the jurisdiction of the Court into the settlement of such an exceedingly small matter with respect to the taking of fish was quite unnecessary. He thought they might as well leave it to be settled between landlord and tenant. What he proposed was, that the Amendment should be withdrawn, and that the words "taking game or fish" should be read apart. Then his right hon. and learned Friend the Attorney General for Ireland would propose to move—

"And as between the landlord and tenant, the right of shooting and taking game, and of fishing and taking fish, shall belong exclusively to the landlord, subject to the provisions of the Ground Game Act, 1880."

That, he thought, would carry out the suggestion of the hon. Member for the City of Cork (Mr. Parnell).

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 5, line 24, after the word "fish," to insert the words "and if the landlord at the commencement of the statutory term so requires, then as between the landlord and tenant the right of shooting and taking game, and of fishing and taking fish."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

Mr. HEALY reminded the right hon. Gentleman that there was no fish in the Ground Game Act.

Mr. GLADSTONE said, he must refer the hon. Member to the terms of the Amendment. It would be subject

to the provisions of the Act as far as they applied.

SIR THOMAS ACLAND complained that the right hon. and learned Gentleman the Attorney General for Ireland had added words which the Prime Minister had not mentioned. He begged to move to omit those words.

Amendment proposed to the said proposed Amendment, to leave out the words "if the landlord at the commencement of the statutory term so requires." — (*Sir Thomas Acland.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the words used in the Amendment would meet the case best.

MR. PARNELL said, he would remind the hon. Baronet opposite (Sir Thomas Acland) that the Bill had proposed to give the Irish landlords game rights which they did not now possess.

Question put, and *agreed to*; words inserted accordingly.

And it being now ten minutes to Seven of the clock, further Proceeding on Consideration, as amended, *deferred till this day.*

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### LAND LAW (IRELAND) BILL.

Further Proceeding on Consideration, as amended, *resumed.*

Clause 4 (Incidents of tenancy subject to statutory conditions).

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made, in page 5, line 28, by leaving out "such," and after "right," insert "conferred by this sub-section."

Amendment proposed, in page 5, line 29, to leave out sub-section (6). — (*Mr. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment, by leave, *withdrawn.*

SIR WILFRID LAWSON moved, in sub-section 6, to omit the words "without the consent of the landlord." He said that during the discussion of the clause in Committee the hon. Member for Monaghan (Mr. Givan) described the public-houses in many of the rural districts of Ireland as being centres of drunkenness and ruin; and as the object of the Bill was to attempt to make some improvement in the wretched condition of large numbers of the people, he did not think that the opening of new public-houses should be under the control of the landlord. If public-houses were good, they ought not to be prohibited; if they were bad, their establishment ought not to be dependent upon such a contingency.

Amendment proposed, in page 5, line 29, to leave out the words "without the consent of his landlord." — (*Sir Wilfrid Lawson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. WARTON said, he wished to remind the hon. Baronet (Sir Wilfrid Lawson) that the point under consideration did not involve the question of so-called temperance at all, but of the landlord's rights; and he did not think the occasion was one on which the eccentric ideas entertained on the subject by the hon. Member for Carlisle had any connection with the matter under discussion. The hon. Baronet had no right to assume that on the Opposition side of the House his opinions on the subject were in any degree shared. He (Mr. Warton) should support the sub-section as it stood.

THE ATTORNEY GENERAL for IRELAND (Mr. LAW) said, he could not accept the Amendment, which had no value at all in the direction aimed at by the hon. Baronet (Sir Wilfrid Lawson).

MR. BIGGAR dissented from the right hon. and learned Gentleman the Attorney General for Ireland. He should support the hon. Baronet if he proceeded to a division.

Question put, and *agreed to.*

MR. CAINE said, that though he generally supported his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) he could not do so on this occasion. He would have had great pleasure in supporting a prohibitory Liquor Bill for Ire-

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land, if the hon. Baronet had brought it forward; but he objected to dealing with the liquor traffic under the guise of a Land Bill, and he would advise his hon. Friend to withdraw his Amendment.

CAPTAIN AYLMEER opposed the Amendment, observing that it was a monstrous attempt to turn the Land Bill into a Liquor Bill.

Question put, and *agreed to*.

Amendment proposed, in page 5, line 36, to leave out the words "holding or of the estate."—(*Mr. Biggar*.)

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved the insertion of a provision in the clause, in order to include among the reasonable purposes permitting resumption of the holding, the making of grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen and schoolmasters' residences.

Amendment proposed,

In page 5, line 37, after the word "allotments," to insert the words "or for the purpose of making gratuitously, or for a nominal consideration, grants or leases of sites for churches or other places of religious worship, schools, or schoolmasters' residences."—(*Mr. Attorney General for Ireland*.)

Question proposed, "That those words be there inserted."

MR. WARTON expressed a hope that the right hon. and learned Gentleman the Attorney General for Ireland would include in his Amendment the words "churches, hospitals, and schools," in fulfilment of the pledge given by the Premier in reply to the hon. and learned Member for Chatham (Mr. Gorst) on the 2nd of July last. He (Mr. Warton) made at the time a note of the promise in the following terms:—"W. E. G.'s promise to Gorst. Schools, churches, and hospitals."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, in that case, he would propose that the Amendment should run thus:—

"Or for the purpose of making grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen's or schoolmasters' residences."

MR. A. J. BALFOUR commented on the additions to the original proposal,

*Mr. Cairns*

and on their acceptance by the Government. He thought it would be better to leave such matters to the discretion of the Court.

MR. BIGGAR objected to the insertion of the word "dispensaries."

MR. WARTON thought the hon. Member for Cavan (Mr. Biggar) always associated dispensaries with the Poor Law system. It was to be hoped, however, that self-supporting dispensaries might be established in Ireland, and might prosper. If the right hon. and learned Gentleman meant to include in his Amendment every kind of philanthropic purpose, the provision for dispensaries ought not to be omitted.

Amendment, by leave, *withdrawn*.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 5, line 37, after the word "allotments," by inserting the words—

"Or for the purpose of making grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen's or schoolmasters' residences;"

and, in line 41, leave out "as being," and insert "holding."

Clause, as amended, *agreed to*.

Clause 5 (Repeal of part of s. 3 of Landlord and Tenant (Ireland) Act, 1870, and enactment of new scale).

On Motion of Mr. WARTON, Amendment made, in page 6, line 32, by leaving out "one hundred pounds or upwards," and inserting "above one hundred pounds"; and in page 7, line 3, by leaving out "highest," and inserting "higher."

Clause, as amended, *agreed to*.

Clause 6 (Amendment of the Landlord and Tenant (Ireland) Act, 1870, as to compensation for improvements).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved the insertion of the following words:—

"A flax scutching mill shall not be deemed unsuitable to the holding on which it is erected by reason only that it is available for the purposes beyond those of the holding on which it is situate."

The Amendment had been introduced to meet cases in the North of Ireland where small scutching mills had been erected, in which work was often done for other holdings also.

### Amendment proposed,

In page 7, line 27, to insert as a separate paragraph the words:—"A flax scutching mill shall not be deemed to be unsuitable to the holding on which it is erected by reason only that it is available for purposes beyond those of the holding on which it is situate."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MAJOR NOLAN thought the Amendment ought to be made available for mills in general, otherwise the Amendment would practically only apply to Ulster.

MR. GIBSON said, this was a very serious Amendment, on principle, as it was, in effect, an attempt to go behind and extend the definition of improvement in the Land Act of 1870. The definition then given was, that an improvement was anything which increased the letting value of the holding and was suitable to such holding. But under the terms of the Amendment now proposed a very substantial injustice might possibly be inflicted, for a landlord might be called upon to pay heavy compensation for an utterly unsuitable improvement. The landlord of five acres might be made to pay compensation in respect of a mill large enough to supply the wants of a whole barony or a holding of 1,000 acres. The mill might have been a failure, and the landlord, on resuming possession, might be called upon to recoup to a tenant the losses arising from an unsuccessful commercial speculation. He failed to perceive the equity of the proposal, and thought some few further words ought to be introduced into the Amendment directing the Court to exclude from their consideration any claims made against landlords for extravagant sums expended on machinery in scutching mills. There could be no harm in allowing the tenant to erect a mill at his own expense and handing it over to his successor; but it would not be reasonable or fair to make a landlord who had taken no part in the transaction bear the expense of improvements which might be entirely unsuited to the dimensions of the tenant's holding. The Amendment should, if it were possible, be confined to small scutching mills, or else to those in the Province of Ulster.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) submitted that, as

the clause was framed, there was no danger in it at all, and that there was no ground for the apprehensions of the right hon. and learned Gentleman (Mr. Gibson). A tenant who could not prove that his improvements were suitable to his holding would be excluded from participating in the benefits conferred by the section of the Bill at present under consideration. As to the suggestion that the operation of the provision should be confined to Ulster, it was true that the number of scutching mills outside Ulster was infinitesimal; but if it was just to introduce this Amendment into the Bill in reference to Ulster, surely it must also be just to extend its application to other parts of Ireland.

MR. TOTTENHAM said, it was amusing to hear the hon. and learned Gentleman on the Treasury Bench talking about a thing which, it was quite evident, he knew nothing about. There was not, he (Mr. Tottenham) believed, a single holding in Ireland so large that a scutching mill could be suitable to it alone. Every mill of the kind was erected for the use of more holdings than one, and was therefore put up for purposes of profit. If the Amendment were carried it would be quite possible for the tenant of a small quantity of land to erect one of these mills as a speculation, and, if the flax trade should be unprosperous, to leave the holding and make his landlord pay for his unprofitable speculation.

MR. GIVAN observed, in answer to the hon. Member (Mr. Tottenham), that there were 1,100 scutching mills. He was of opinion that the Amendment ought to be agreed to, so that small farmers might be encouraged to erect mills on their holdings. If the contrary view should prevail, the flax trade in Ulster would inevitably deteriorate. He cordially supported the Amendment, and deprecated so much discussion on so small a point.

COLONEL STANLEY suggested that the application of the Amendment should be limited to Ulster.

MR. W. E. FORSTER said, he could not agree to the suggestion of the right hon. and gallant Gentleman opposite (Colonel Stanley). The flax industry had already spread beyond Ulster, and if encouraged it might spread to a still greater extent. It would be a hardship to those small farmers who had put up

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small flax scutching mills for their own benefit, if, because their neighbours got the use of them, it was to be deemed unsuitable.

SIR HERVEY BRUCE said, it would be equally unfair to allow a farmer on a very small holding to erect a scutching mill and to give him, the right of calling upon the landlord to pay for its erection. A tenant of his own had erected a mill of this kind, and, finding it unprofitable, had applied to him to take it off his hands.

MR. SHAW hoped the right conferred by the Amendment would not be confined to tenants in Ulster. In the South and West of the County of Cork flax was largely grown, and it was also grown in other parts of Ireland. He supported the Amendment, for he held that it was the duty of the Legislature to encourage that industry.

MR. PLUNKET said, that it would be unjust to make the landlord pay compensation to the tenant for a flax mill which was principally valuable for purposes beyond those of the holding. He thought it was only reasonable that a landlord should decline to pay the cost of an enterprise which was simply designed for the benefit of people with whom he might have no connection.

MR. MACFARLANE said, that, on the same principle, he could not help thinking it would be equally unjust to prevent a tenant from working a neighbour's flax mill.

MR. MITCHELL HENRY urged the Government, before accepting Amendments, to look at their effect over the whole of Ireland, instead of in particular localities. He opposed the Amendment as it stood, on the ground that if an exception to the clause were made in favour of the scutch mills, exceptions should also be made in favour of flour mills and saw mills. A scutch mill was as much a manufactory as a flour mill, and if the Amendment was introduced at all, it should not be made locally applicable to Ulster, but extended to the tuck mills in the West of Ireland.

VISCOUNT FOLKESTONE inquired whether the Amendment was in Order, seeing that a few nights ago an Amendment relating to highways was ruled to be out of Order by the Chairman of Committees.

MR. SPEAKER said, he would remind the noble Viscount that the powers

of the House in regard to Amendments were much greater than those of the Committee. It was in the power of the House to deal with the present Amendment as it thought fit.

MR. DAWSON hoped the Amendment would be accepted, and that a similar provision would be made for the growing woollen trade of Ireland.

Question put.

The House divided:—Ayes 182; Noes 99: Majority 83.—(Div. List, No. 335.)

Clause, as amended, agreed to.

Clause 7 (Determination by Court of rent of present tenancies).

LORD EDMOND FITZMAURICE moved, in page 7, line 30, after the word "tenancy," to insert the words—

"In a holding rated under the Acts relating to the valuation of property in Ireland at less than one hundred pounds, and."

The noble Lord said, the object of the Amendment was to exclude from the operation of the clause which dealt with judicial rents all tenancies of more than £100 annual value. He did not think it would be possible to show that the Amendment was contrary to the spirit of the Act. If it were, he, for one, would never have proposed it. Nothing could be a greater mistake than to appear to give to the tenants with one hand what was taken away with the other. But there were only 13,000 tenants out of a total of more than 600,000 to whom the Amendment would apply, and besides that, these tenants would not, by the Amendment, be deprived of the right of free sale given in Clause 1. He simply moved it as a question of principle. He wished to point out that his Amendment was not identical, by any means, with the Amendment of the hon. Member for Great Grimsby (Mr. Heneage). It would be in the recollection of the House that, at a later stage of the Bill, the Government adopted a very important Amendment with regard to leases. They adopted an Amendment under which the tenants of all leases, irrespective of their duration, irrespective of all value of the holding, at the expiration of the lease would become, not future tenants, but present tenants. It was not his wish to enter into any details of the discussion of that question; but the House could not fail to see how very important a point it

*Mr. W. E. Forster*

was, and it justified him in bringing forward this Amendment, because those leaseholders who were mainly affected by the Amendment adopted at a late stage by the Government were not altogether, without exception, that very large class who were aimed at by his Amendment. It seemed to him an extreme thing to say that a man of large capital who had gone over to Ireland only yesterday from England or Scotland for the purpose of speculating in agriculture should, at the expiration of that term which he, as a pure matter of contract, entered into, be treated exactly in the same manner as some poor cottier tenant in Galway or in Mayo, who, for generations previously, had lived on the soil, had tilled the soil, had built upon it accommodation, whether good or bad, had made whatever improvements were on the soil, and who was the representative of former generations of occupants. If he were asked to describe the Bill in a word, he should say, on the whole, this was a Bill for better or for worse, whether they liked it or not, which established a rude sort of copyhold tenure in Ireland. Call it fixity of tenure, call it continuity of tenure, call it continuity of occupation, call it durability of tenure, call it whatever they liked, there was no doubt whatever that this Bill in its principles resembled that tenure with which they were familiar as copyhold. He was prepared, so far as it affected small tenants in Ireland, not only to accept the Bill, but to accept it willingly. And he meant to say, further, upon this question, he was not a convert of yesterday. But he had always contended that, with regard to large tenants above a certain amount, be it £50, £100, or £150, they ought to draw a broad distinction between them and small tenants. Small tenants were creatures of custom which the law had not hitherto recognized, but which ought to have been recognized; but large tenants were not creatures of custom, but creatures of contract; and any legislation which was to be durable should proceed, not upon arbitrary lines, but upon a recognition of facts. He believed that he was right in saying that when the late Mr. Butt first occupied himself in drawing up a Land Bill, he himself recognized this distinction by introducing an exception similar to the one which he (Lord Edmond Fitzmaurice) was now

about to bring before the House. It was not on the legal knowledge, or on the acumen and ability of the late Mr. Butt, that he relied alone to found arguments for his Amendment. As he had stated, he founded them upon the merits of the case. The Land Act of 1870 and this Bill itself were full of distinctions. In the clause relating to arrears they would find this distinction between small tenants and large tenants recognized. Benefits were confined to tenants below £30. Why? Because, in the opinion of Her Majesty's Government, tenants below £30 were a small and helpless class. He might remind the House that in the Compensation for Disturbance Bill of last year, in the same way a limit of value was recognized. But, above all, there was on record the 3rd section of the Act of 1870. There was the provision relating to tenants above £100, with regard to compensation for disturbance, which was the prototype of his own Amendment. And not only was that clause upon record, and in the hands of hon. Members, but they had speeches upon record of the then Chief Secretary for Ireland and the then Solicitor General for Ireland (Mr. Serjeant Dowse). He believed that there never had been two persons in Parliament with better knowledge of Ireland and more intimate acquaintance with the Land Question in all its various phases than Lord Carlingford and that learned Gentleman. When Lord Carlingford used the words he (Lord Edmond Fitzmaurice) was going to quote he was Mr. Chichester Fortescue. He said, with regard to tenants of above the line of £100 value, that—

"Holdings above that value were occupied by farmers so independent that they were able to take care of themselves so that it was not necessary to make the clause retrospective so far as those tenants were concerned."—[3 *Hansard*, cci. 40.]

The then Solicitor General for Ireland (Mr. Dowse), rising in his place to make a reply, said—

"They (the Government) were convinced that persons with holdings valued at £100—which was equivalent to a rent of £120 or £130—not only were well able to look after their own interests, but often were really more independent than the landlords themselves."—[*Ibid.*, 42.]

If those words were good then, they were good now. What had happened in Ireland since 1870 to make that class

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of tenants who were then so independent and so free, and even more able to take care of themselves than their landlords were, to reduce them to the same helpless and miserable position which was occupied by those small holders whose misfortune appealed to the hearts of everyone? The plain truth was that those men were not less independent, but more independent. Many of them had taken a very prominent part in recent agitation; he was convinced that many of them, being acute and calculating, had seen in the agitation which had been in no manner occasioned or justified by their misfortunes a good opportunity of benefiting themselves. And although it was, perhaps, perfectly natural and fair for them to do so, yet the House had to look at that matter from the point of view of sound legislation, and to ask itself whether, considering that the whole of that Bill was by the confession of the Government exceptional legislation, it was desirable to make the field of that exceptional legislation one inch broader than was absolutely necessary? He (Lord Edmond Fitzmaurice) had said that, in regard to the small tenants, he willingly accepted the Bill as being necessary owing to the exceptional circumstances of Ireland. But he did not believe, and he challenged anyone to show, that the arguments which applied to these small and unfortunate tenants could by any power of human wit be tortured into arguments for bringing the large independent farmers, holding farms rated at £100, paying a rent equivalent to £120 or £130, and owning the capital which *ex hypothesi* they possessed—for without it they would not hold those farms—within the purview of that legislation. Why were they to treat grown up men as if they were helpless babes—to treat men who were perfectly able to look after their own interests as if they were unable to take care of themselves. It was because he believed they were quite capable of taking care of themselves, and that although this legislation was necessary, it was legislation which they should watch most carefully—it was because he believed that they lived in times when there was a tendency in both of the political Parties in the State to widen unduly the sphere of legislation, to imagine that there was no wrong or evil which could not be im-

*Lord Edmond Fitzmaurice*

mediately redressed by legislation, to limit the field of contract, of Free Trade, and of all those great principles which had made the greatness of England—aye, and the greatness of the Liberal Party—it was because he believed those things that he had placed his Amendment on the Paper. It was because he believed that some of those hon. Gentlemen who sat in that part of the House (below the Ministerial Gangway), with whom he often had the pleasure of acting, were especially in danger of adopting those ideas which struck, in his judgment, at many of the main principles of the very Party to which they belonged, that he had unhesitatingly put that Amendment on the Paper, and that he invited support for it—he cared not from what quarter of the House—because he felt that the grounds on which it was based rose altogether above Party considerations, and were those which were consonant to, and coincident with, the soundest principles of legislation and political economy. The noble Lord concluded by moving the Amendment of which he had given Notice.

#### Amendment proposed,

In page 7, line 30, after the word “tenancy,” to insert the words “in a holding rated under the Acts relating to the valuation of property in Ireland at less than one hundred pounds and.”—  
(*Lord Edmond Fitzmaurice.*)

Question proposed, “That those words be there inserted.”

MR. LALOR, in opposing the Amendment, said, that the House ought to be careful whether, by its adoption, they would not be holding out to landlords a premium to get rid of small tenants and put large tenants in their place. He saw no sufficient reason why hon. Gentlemen on both sides of the House should have any objection to those large tenants coming under the superintendence of the Land Commission. If they paid a fair rent there could be no reason for exempting them from the operation of the Bill.

MR. ARTHUR ARNOLD, in replying to the noble Lord (Lord Edmond Fitzmaurice) remarked that under copyhold there was no possibility of variation of rent, as under the Bill; and dealing with the main argument for the Amendment—that the larger tenants did not require the care and protection

of the Legislature, said, such an argument had no weight with him (Mr. Arnold), for he regarded the matter affecting the tenants solely as a question of public policy. If one tenant had a property in his holding, another tenant might have a similar property; and, therefore, what was applicable to one class of tenants should be applicable to all. He denied that he had supported the Bill because he held that any class of tenants required the protection of the Legislature. He supported the Bill because its provisions were in accordance with public policy, and because the tenants of Ireland had an interest in their holdings which, one and all, required the protection and award of that House. He could not understand why sound legislation should begin at £100. Sound legislation was altogether apart from various sums of money, and it must proceed altogether upon principle; and it was a distinct and intelligible principle that every tenant in Ireland should have the advantages to be conferred by the Bill. The question whether the Amendment applied to 13,000 tenants, more or less, had really nothing to do with the subject. Questions relating to the ownership and occupation of land were important and deserving the concern of the Legislature, because the ownership of land was a monopoly, and must be so under any circumstances, and the regulation of monopolies was certainly the business of the Legislature. For that reason, it came under the purview of the Legislature in regard to this Bill, and there was neither rhyme nor reason in the Amendment of the noble Lord. Its effect would be to promote consolidation of holdings, and to nullify this useful and valuable measure; and, therefore, he felt bound to oppose it. He confidently hoped Her Majesty's Government would not consent to its adoption, for he could not conceive anything more disastrous to the principles of the legislation upon which they had been engaged for the last one or two months than that this Amendment should be accepted.

MR. W. H. SMITH said, that the argument of the hon. Gentleman who had just spoken (Mr. Arnold) was, that it was a matter of public policy that the tenant should be protected, no matter what capital he might possess, and no matter what his ability to make a fair

bargain with his landlord. They had now an avowal from the other side of the House that it was a matter of public policy that the principle of protection broadly applied to capital and to industry generally should be asserted by Parliament. [MR. ARTHUR ARNOLD: I said investments.] Well, that was a most refreshing view of the case, for he (Mr. Smith) understood that capital was invested when it was applied to the production of machinery, to the building of a mill, to the acquisition of the raw material, and to all those stages which were necessary to produce an article ultimately to be sold. In like manner, capital was applied in agriculture to the payment of rent, to manures, to labour, to the waiting for the harvest, and the realization of the fruits of the earth. Now, they were told that protection was necessary in order that the proper results of the application of capital might be realized by the investor, and that no amount of capital, no amount of independence, no amount of ability to make a bargain was to justify a departure from that principle. But if that principle was to be applied to land, it must also be applied to a great many other things. If it applied to land in Ireland, it must be applied to land in England and Scotland, to manufactures such as existed in Lancashire, to wages, to all the circumstances and conditions of life, as to which they had hitherto been accustomed to enter into free contract. If that were the position taken by the House, if there were to be a new departure, let it be expressed fully and accepted frankly; but, for his own part, he had not lost faith in freedom of contract, whenever it was possible to have it. There might be some excuse for departing from the principle in the case of those wretched tenants for whom expulsion from their holdings might mean expatriation. But all the strength and vigour of Irishmen would be withdrawn if the House were to say that in no circumstances was freedom of contract to be maintained; and he was certain that serious damage would be done to the interests of the whole country if that principle was laid down by the Government.

MR. GLADSTONE said, that, so far as he understood the speech of the right hon. Gentleman opposite (Mr. W. H. Smith), it was a speech against this Bill.

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His main argument was that if they dealt with land in the way proposed they must apply the same principle to a great many other things—that they must apply the same principles to land in England and Scotland as were applied to land in Ireland. The speech of the right hon. Gentleman in that sense was rather out of date. What were the broad premisses of the right hon. Gentleman, objecting to this interference with free contract in the case of the land of Ireland, compared with the narrowness of the conclusion for which he was going to vote? Having laid down these great principles, the right hon. Gentleman thought he would satisfy them by excluding from the benefit of the most important provision of the Act 12,000 tenants out of 600,000. Now, he (Mr. Gladstone) did not believe that the application of those principles in Ireland would bring about their application in England; nor, if they were applied in England, did he think that either his noble Friend (Lord Edmond Fitzmaurice) nor the right hon. Gentleman opposite would succeed in excluding the large farmers from their operation. They would not endure it for a moment. He must say he was disappointed at the appearance of the Amendment at that stage of the Bill. It was an evasion of the scope and provisions of the Bill which he had no hesitation in saying he could not contemplate accepting—indeed, the Government would carry their resistance to it to whatever point they might deem expedient—because they could not draw a broad distinction between the tenant above and the tenant below the line indicated. If Ireland were a country in which there were no tenancies between £50 and £100, he could understand the breadth of the distinction; but the fault of the Amendment was that it drew a very narrow distinction. His noble Friend had quoted the authority of Mr. Butt; but he had never heard a more unfortunate citation. In point of fact, Mr. Butt, though as a private individual, when he drew the Bill, he was inclined to exclude tenants above a certain limit of valuation, when he came into contact with other minds, and drew nearer to the point of responsible action, was obliged to consider, not what he himself preferred, but what it was wise to propose. Then it was that that eminent statesman and lawyer had to cast over-

board the suggested distinction, and was compelled to introduce into the Bill all values alike. And yet, ignoring that fact, his noble Friend had used that very argument which Mr. Butt had found it best to reject as a practical provision. Then his noble Friend had quoted, or had rather misquoted, the Act of 1870. It was quite true that, as regarded existing tenantry under that Act, the scale of compensation did not apply to farms above £100; but, in principle, the occupiers of farms above that limit were entitled to compensation as much as those below it. Again, no recommendation of the kind suggested had been made to the Government by any of the bodies who were appointed by authority, and who were entitled to speak with authority on the question now before the House. It was not recommended either by the Beesborough, or by the Majority and Minority Commissions of the Duke of Richmond. That he considered a very serious objection to the Amendment, because, he apprehended, all of these Gentlemen considered the matter, and could not fail to be struck, by the wide investigations which they made, with the material differences between the position of the poorer and the richer tenant. Whatever estimate they took, and whatever experience they had, of those differences, none of them founded upon them the conclusion the House was now invited to draw—namely, to exclude tenants above a certain limit from the benefit of the Bill—a conclusion which, if embodied in the Bill, would, from its excluding 2½ per cent, and those the very men who were alone capable of doing so, make its working difficult, if not impossible. The Government did not intend to proceed on that principle. They had, however, made other careful and elaborate provisions in the Bill for securing at least a fair place to freedom of contract. ["Oh, oh!"] Would the Gentlemen who indulged in those sneers think the Government were adhering to the principles of the Bill if, instead of the provisions which left it to the free choice of the Irish tenants as to whether he should go into the Court, they were to introduce a clause to bring every holding in Ireland under the jurisdiction of the Court? With regard, therefore, to the Amendment, the Government had determined that they would not be parties, even on

*Mr. Gladstone*

the persuasion of the noble Lord, to the creation of invidious and dangerous exceptions and distinctions in Ireland. In the original framing of the Act they sought to avoid that difficulty. In the course of discussion the fact was brought under their notice that, under the Bill in its original form, there might grow a creation of future tenancies. They at once recognized that as a fault in the Bill, and said nothing should grow out of proceedings anterior to the passing of the Act except present tenancies. They thought that if they were to have a Bill of the kind, it was folly carried to a very high degree not to give to the people of Ireland, one and all, a fair start in this matter. If, then, they were to give a fair start to the tenants in this matter, they must avoid bringing him under this taint of exception, and endeavour to make it equal in its application from the first, equal in power and privilege. And though he fully granted that they might say that plea of necessity was less strong in regard to the larger tenants, yet he said that the plea of policy, which they could not exclude from view, was stronger still, because the larger tenants whom they would exclude were the men who, by their education, influence, solidity, and position, would become in every case a centre of agitation against the Act, and would endeavour to reduce to a minimum, if they could not annihilate, the chances of its success. These were the considerations of policy, prudence, and equity, which led him to hope that the House would not listen to any persuasion to induce it to bring into the Bill a provision which, in their view, so far as they could judge, was directly opposed to the lines on which they had proceeded in the course of these discussions—a provision which would be most dangerous to the general aim and design of the measure, and one which had not been recommended by any of the authorities, differing, as they did, in politics, that had investigated the Irish Land Question, and given their advice as to the course to be taken in practical legislation.

Mr. H. R. BRAND said, he regretted exceedingly that the right hon. Gentleman the Prime Minister had not been able to accept the Amendment of his noble Friend (Lord Edmond Fitzmaurice), because, in so doing, the right

hon. Gentleman would have satisfied a great many hon. Members who were supporters of the Government, without in the least degree injuring the Bill which was now under the consideration of the House. What were the arguments which the right hon. Gentleman had used in opposing the Amendment? He must say that he had been very much surprised at the vigour of the language used by the right hon. Gentleman, seeing how very small and insignificant would be the effect of the Amendment on the working of the Land Bill. The Prime Minister said it would be impossible to exclude the class of large farmers from this kind of legislation; but, in point of fact, the House had already provided in the Bill one exclusion of the class of large farmers from the operation of the measure. The 16th clause, as far as regarded the future letting of land, provided that the farmer holding land valued under the Acts relating to the valuation of property at £150 and upwards should be able to contract himself out of the operation of the Act. The question he had, therefore, to put was this—Why should it be held that the man who was able to make a contract with the owner of his holding in the year 1884 was not to be considered to have made a reasonable contract with his landlord in 1878 or 1879? The right hon. Gentleman also declared that the large tenants would be the men who would prevent the working of the Bill, and who would agitate for the application of the principles of the measure to their own case. "They will be the centres of agitation" were the words used by the right hon. Gentleman, and he declined to make any dangerous and invidious distinctions in Ireland. But he (Mr. Brand) would ask again whether there were not such distinctions in the Bill itself already—whether there were not distinctions made in the Bill between the present and the future tenant? He would ask the right hon. Gentleman to bear in mind that the Amendment of his noble Friend only placed the large tenants in the position of future tenants under the Bill, so that if this language was deserved, as applied to the Amendment of his noble Friend, it was equally applicable to the case of the future tenant under the Bill. There was only one other point in the speech of the right hon. Gentleman to

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which he would allude. The right hon. Gentleman complained that the noble Lord the Member for Calne had quoted the Act of 1870 to show that by it tenants of upwards of £100 value were excluded from preferring a claim to compensation for disturbance, and had pointed out that tenants in future of more than £100 in value had a claim, under that Act, to compensation for disturbance. But the right hon. Gentleman failed to remind the House that in that Act there was a clause which gave to tenants holding a farm of more than £50 value the right of contracting themselves out of the Act. What he (Mr. Brand) held in regard to the Amendment was this. As far as regarded the future letting of the land, there was no doubt the 16th clause of the Bill sufficiently met the case; but, as regarded present tenants, every contract they might have entered into with their landlords was overridden by the Bill, and he could not understand how anyone could infer that a large tenant in Ireland would be so foolish as to exercise his right of contract so as to deprive himself of the advantage of the qualified fixity of tenure which was given to him in this Bill. Therefore, as far as regarded present tenancies which might last for ever, this right of contract was of very little use indeed. He confessed that he was unable to understand the speech of his hon. Friend the Member for Salford (Mr. Arnold). His hon. Friend said that he did not support the Bill on the ground that it was necessary to protect the weakness of the Irish tenant. In that case, why had his hon. Friend voted for the second reading of the Bill? If it was to be defended on any ground—and certainly the only ground upon which the right hon. Gentleman the Prime Minister had defended it, who acknowledged it to be a necessary evil—the only ground on which it could possibly be justified was that it was necessary to protect and defend the men who needed protection in making their contracts. Of course, they had heard the argument on the other side as to the consolidation of farms; but he would ask hon. Gentlemen opposite to explain how it would be possible for a landlord under the Bill forcibly to consolidate his holdings. It would be necessary, in the first place, that the contiguous farms should fall in, and that they should fall

in together within a very short space of time. He could understand the objection of hon. Gentlemen opposite to consolidation. He admitted that under the Amendment it would be possible for the landlord to offer a very high premium to a certain number of tenants to go out with money in their pockets and better their position elsewhere. But the miseries of these poor men in Ireland was the food on which the Land League thrived. If they were to go out with money in their pockets, and in order to better their condition, there would be no chance for agitation and no profit for agitators. As far as regarded the figure mentioned in the Amendment of his noble Friend, he did not attach any importance to it whatever. Let them make it what they liked, and state what figure they would, what he contended for was the principle of the Amendment—namely, that it was necessary in this matter to place some limit in the clause; that there were certain men in such a position of independence and strength that they were able to take care of themselves and make their own bargains. There was another point he hoped the House would bear in mind—namely, that this was no proposal to interfere with the right of the tenant to sell his interest. It did not in the least affect the right of the tenant under the 1st clause of the Bill, although even there a distinction might be drawn. He was glad that his noble Friend had placed his Amendment on the 7th clause, because he (Mr. Brand) had foreseen very clearly that it was impossible to touch the 1st clause and to minimize the tenant's interest without mutilating the Bill; and in supporting the Amendment he had no desire to act in a spirit of hostility towards the measure itself. He had found himself unable to vote for the Amendment of his hon. Friend the Member for Great Grimsby (Mr. Heneage), on the ground that that Amendment was not only impracticable, but unjust, because, having voted for the second reading of the Bill, he had admitted the principle that every tenant in Ireland had a right of occupancy, the right to which was exclusive of the value of his improvements; and it would be unjust to prevent him from selling his interest because he was the tenant of an English-managed estate. Then those who thought the value of the interest was affected came to the question whe-

*Mr. H. R. Brand*

ther they should oppose the Amendment or fall back upon the question of compensation. He felt that it would have been impossible to raise the question of compensation directly, because it was impossible to prove that the landlords suffered any monetary loss; and although it was raised indirectly, he thought his hon. Friend in charge of that Amendment was perfectly justified in withdrawing it, because, after the speeches from the Treasury Bench and from the Front Opposition Bench, it was perfectly clear that it failed to meet general support. He believed the noble Lord the Member for Woodstock (Lord Randolph Churchill) made what was called a "slashing attack" on his hon. Friend the Member for the West Riding (Sir John Ramsden) for withdrawing that Amendment. The noble Lord the Member for Woodstock had so often burnt his fingers in withdrawing the chestnuts out of the fire that he would probably not have been disinclined to see the hon. Baronet a sufferer from the same course. But in regard to the present Amendment, he (Mr. Brand) believed it would mitigate some of the evils which were likely to arise in Ireland under the Bill. He would ask the right hon. Gentleman the Prime Minister to believe the statement that this was a friendly Amendment to the Bill. [*Cries of "Oh!"*] He could understand the sneers of hon. Gentlemen opposite. Nevertheless, he still contended that it was a friendly Amendment, because, as he had said before, he did not take his stand on the figure named by his noble Friend, whether it were £100, £150, or £200. It was an Amendment that would affect very few tenancies in Ireland. What they wanted the right hon. Gentleman to admit was that there should be a guiding principle governing the action of the Legislature in interfering between landlord and tenant, or between any other class, in the contracts which they might make, and that the position of the parties—the independence of the parties—should be some evidence of their ability to make contracts with their landlords. He would only add that, as far as regarded the Bill, it must be supported on the ground that it was necessary for the protection of the weakest of the tenants. [*"No!"*] The interference with free contract which the Bill involved had never been proposed, except on cer-

tain grounds, either for the prevention of fraud, as was the case in the Truck Acts; for the good of public morals and health, as was the case in regard to the Sanitary Act; or for the protection of the weak, such as the women and children who were legislated for in the Factory Acts. That was the only ground on which they could defend this legislation; and, therefore, as it was necessary, owing to the weakness of the small Irish tenants to protect them, the House should accept the Amendment on that principle, or else there was no reason why the provisions of the Bill should not be applied to every tenancy in England and Scotland, as well as in Ireland. Indeed, he could not understand why, if an Irish tenant of £1,000 a-year was obliged to go to the Court to have his rent fixed, they should not have a similar Court in Northumberland or Yorkshire. It was with deep regret that he found himself obliged to support the Amendment, because, in supporting it, he found that he was opposing Her Majesty's Government. All that he could say was that he did it from a sense of duty. There were some hon. Members in that House who had been threatened by some obscure individuals for expressing their opinion in favour of a sound public policy long acted upon by the Liberal Party. He believed that the Association to which he referred, and which had made itself somewhat notorious by issuing a very imprudent Manifesto, had for its President a Member of that House. [*"Name!"*] All he would say was that he hoped when that hon. Gentleman went back to a well-earned holiday he would tell his friends that in the House of Commons there was still a desire to preserve the cherished rights of every section of the Liberal Party, and of every Member of it—namely, freedom of opinion and liberty of speech.

MR. JESSE COLLINGS said, the greater part of the speech they had just heard had nothing to do with the question before the House. If the Manifesto to which the hon. Member for Stroud (Mr. Brand) referred came from obscure individuals, he did not see that there was any necessity for taking notice of it. The Amendment of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) appealed distinctly to hon. Members below the Gangway.

[*First Night.*]

The hon. Member who had just spoken said decidedly that if the Government would accept the Amendment many of their supporters would be much pleased and gratified; and he (Mr. Collings), therefore, thought it high time for hon. Members who sat below the Gangway to state plainly that they, at least, would be seriously disappointed if the Government gave way and agreed to the Amendment. In order to clear the ground, he took it that the supporters of the Amendment put out of sight altogether the number of tenants in Ireland who would be affected by the adoption of the Amendment. It was said that they would number only 13,000; but this number represented a rental of more than £1,250,000 per annum. The hon. Member for Stroud (Mr. Brand) had also stated that a proposal, similar in principle to that which was contained in the Amendment, had already been included in the 16th clause of the Bill. He (Mr. Collings) thought the reference was most unfortunate, because, if he remembered rightly, that was a case in which the tenant, of his own free will, contracted himself out of the Bill if he chose. Therefore, that was quite another matter, and did not justify the conclusions which the hon. Member drew. The noble Lord who moved the Amendment stated that it would not interfere with the right of free sale; but if it did not interfere with the right of free sale it would interfere very much with the price which would be received from the sale. It seemed to him that the noble Lord was enamoured of free contract, but only in cases in which the freedom was all on one side. He (Mr. Collings) very much regretted that the proposition now before the House had been made. They had spent week after week in labour over the Bill, such as, he thought, was almost unparalleled in Parliamentary experience, and now they had reached almost the last stage of the measure, an Amendment was brought forward, not to modify the Bill in any way, but, as far as a considerable number of persons were affected by it, it would absolutely destroy the benefits of the measure—namely, to every tenant in Ireland, at this moment, who was rented at £100 and upwards. Consequently, a large number of tenants who had been anxiously expecting the Bill would, if the Amendment was passed, find them-

selves deprived of the advantages of the Court and all the power of fixing fair rents. He called that destruction, and not modification; and, so far as the question of principle was concerned, why should they stop at £100? Why not go down to £50, and even lower than that? If a fair rent was necessary for a farmer who paid £90, why should it not be equally necessary for one who paid £110? He took it that the noble Lord was of opinion that a fair rent was not necessary when a tenant paid a rent of £100 or upwards. The Bill, for the first time, established a tribunal in Ireland for the settlement of disputed accounts between landlord and tenant; and yet the proposition of the noble Lord was, that a certain number of the Irish tenants should have no part in that settlement. Besides, the Amendment offered an inducement to the landlord to consolidate his holdings. It must be borne in mind that the advantages of being out of the Bill might be so great to the landlord as to induce him to make very great sacrifices for the purpose of securing consolidation and to pay a very high price for it, if he could secure such a result. If the Amendment had come from the Opposition, no one would have been astonished at it; but it would have been looked upon as perfectly natural. It would have been in accordance with the course they had uniformly and consistently taken in regard to the Bill, and it was with very great regret that he saw such an Amendment coming from the Liberal Benches, which were supposed to support the Bill and Her Majesty's Government. He had very little fear that the Amendment would be carried; but the danger was that it gave hints and suggestions which might increase the difficulties that would surround the measure in "another place." To his mind, it would be far better to oppose the Bill directly, and to vote for its rejection, rather than to give it what he would call these "stabs in the back." The hon. Member for Stroud (Mr. Brand) said it was a friendly Amendment; but if so Her Majesty's Government might hope to be saved from their friends. The Prime Minister made a promise when the Bill was first introduced—namely, that the measure, being the least that Ireland could accept, he would not consent to any muti-

*Mr. Jesse Collings*

lation of it. Up to the present moment, the right hon. Gentleman had redeemed that promise in a manner almost unprecedented on any previous occasion. The Bill came out of Committee, after having undergone an opposition of a most unusual character, almost precisely as it went in. He trusted that the Prime Minister would on this occasion put down his foot with more than his customary strength and determination. Hon. Members below the Gangway, on that (the Liberal) side of the House, asked this of the right hon. Gentleman, because hitherto they had supported the Government staunchly, and had avoided interfering with the progress of the Bill by talking about it. Many of them had been prepared to propose Amendments; but they had remembered what the right hon. Gentleman told them—that if the ship were too heavily laden it would probably become impossible to bring it into port, and had, therefore, refrained from moving their Amendments. He trusted that Her Majesty's Government would in the most unmistakeable manner show their determination not to allow the Bill to be mutilated or stabbed in the back by its friends.

MR. CARTWRIGHT, who spoke amid great interruption, said, he had listened to all the discussion that had taken place; and he thought that all the arguments were in favour of the Amendment moved by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice). He could not admit, even after the powerful speech that had been delivered by the Prime Minister, that the Amendment was in the slightest degree contrary to the spirit of the Bill. His main reason for saying that was that one of the cardinal features which distinguished the Bill as originally presented to the House was the distinction which it drew between present and future tenants; and, therefore, the Amendment contained nothing that was foreign to the principle of the measure. There was another argument which induced him to support the Amendment which had not hitherto been referred to, and it was this—that inducements should be offered to the tenants to acquire the ownership of land in Ireland; so that, in the end, a kind of yeomanry such as that which existed in this country might be created. As explained by the right

hon. Gentleman the Prime Minister, the Bill had been brought forward in consequence of the exceptional condition of Ireland, and upon that ground he (Mr. Cartwright) had supported the measure. He had supported it in every provision he believed to be right; but he did not understand that they were called upon to extend protection to everyone, whatever his financial condition might be. Nor was it necessary that they should adopt the principle of protection without limit; and for these reasons he intended to vote in support of the Amendment.

MR. CALLAN remarked, that he would not have taken part in the debate if it were not for the assertion of the noble Lord who moved the Amendment (Lord Edmond Fitzmaurice) in regard to the late Mr. Isaac Butt. He (Mr. Callan) and other hon. Members had endeavoured to correct the inaccuracies of the noble Lord; but the noble Lord, nevertheless, persisted in his assertion. What was it that the noble Lord had said? With that self-confidence which generally characterized him, the noble Lord asserted that Mr. Butt had introduced a Land Bill from the benefits of which the large farmers were excluded. The noble Lord went further, and wantonly introduced the name of a gentleman, Mr. Robertson, of the county of Kildare, who, although a Scotchman, was as honourable and as useful a member of society as the noble Lord. Mr. Robertson was a large farmer, and a generous and kindly employer, and he had become, like many emigrants, more Irish than the Irish themselves. Adverting to Mr. Butt's Bill, the noble Lord personally taunted the Government with having changed their front since 1870; and, in support of his assertion, the noble Lord quoted Lord Carlingford and Mr. Dowse. Mr. Dowse was now upon the Bench, and Lord Carlingford had been relegated to "another place," so that neither of them, at the present moment, could be looked upon as representing Irish opinion. The noble Lord said the Bill of Mr. Butt did not include the large farmers.

LORD EDMOND FITZMAURICE said, the representation of the hon. Member (Mr. Callan) was not anything like what he did say. What he said was this—and he had obtained his information from hon. Members better acquainted with the history of Mr. Butt's



Bill than the hon. Member—namely, that in the first draft of the Bill tenants of £100 and upwards were excluded.

MR. CALLAN said, he was quite certain that it could not be the hon. Member who sat next to the noble Lord who was his authority on the subject. It so happened that he (Mr. Callan) was Mr. Butt's amanuensis in drafting the Bill in question, and he would inform the House what the real facts were. Mr. Butt, in 1875 and in 1876, brought in Bills which did not exclude the large farmers; but in 1877, instead of enlarging the scope of the Bill, he altered it, and excluded all grazing farms rated at more than £50 a-year, and also all grazing farms on which the tenant did not reside. The noble Lord's informant must have misled him. But although the Bill of 1877 did not include grazing farms of £50 and upwards, and although it excluded all grazing farms on which the tenant did not reside, he found among the list of Members who voted against that Bill the name of the noble Lord the Member for Calne, who, nevertheless, had voted for the second reading of the present Bill. Many things had happened since then. The state of Ireland had altogether changed; and he would recommend the noble Lord, when he again introduced the name of Mr. Butt in order to sanction any argument against the Irish tenants, to take care that he was accurate in regard to his facts, and that he did not depend for his information upon some third person whose name he studiously concealed.

LORD EDWARD CAVENDISH said, he would not occupy the time of the House for more than a single moment. He feared that he could not lay claim to having given a very cordial support to the Bill, because he had had grave doubts about it, owing to the interference it proposed with freedom of contract. But the Bill would pass, and he took it that, in a great degree, whether it proved to be of advantage to Ireland or not would depend very much on the spirit in which it was passed. He believed the Amendment now before the House would do very much indeed to destroy the benefits to be derived from the passing of the measure. The Prime Minister considered it his duty to send the Bill as a message of peace to Ireland, and it was desirable that it should be sent with a good grace. Although,

*Lord Edmond Fitzmaurice*

perhaps, it was not for him to say so, he believed there were many who sat on that side of the House whose objections to the measure had been materially diminished, not only by the extraordinary ability with which the right hon. Gentleman had conducted the Bill, but also by the mastery of all its details which he had exhibited, and which made them all feel the fullest confidence that the right hon. Gentleman had thoroughly mastered the whole matter. Therefore, although the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) might have good reasons for the Amendment he had moved, it was, nevertheless, one which he (Lord Edward Cavendish) could not support.

Question put.

The House divided:—Ayes 205;  
Noes 241: Majority 36.

#### AYES.

Alexander, Colonel C.	Close, M. C.
Amherst, W. A. T.	Coddington, W.
Archdale, W. H.	Cole, Viscount
Ashmead-Bartlett, E.	Colebrooke, Sir T. E.
Aylmer, J. E. F.	Collins, T.
Bailey, Sir J. R.	Compton, F.
Balfour, A. J.	Coope, O. E.
Baring, T. C.	Corry, J. P.
Barne, Col. F. St. J. N.	Crichton, Viscount
Barttelot, Sir W. B.	Cross, rt. hon. Sir R. A.
Bateson, Sir T.	Cubitt, rt. hon. G.
Beach, rt. hn. Sir M. H.	Dalrymple, C.
Beach, W. W. B.	Davenport, W. B.
Bective, Earl of	Davies, D.
Bentinck, rt. hn. G. C.	Dawnay, Col. hn. L. P.
Beresford, G. de la P.	De Worms, Baron H.
Biddell, W.	Dickson, Major A. G.
Birkbeck, E.	Digby, Col. hon. E.
Blackburne, Col. J. I.	Dixon-Hartland, F. D.
Blennerhassett, Sir R.	Donaldson-Hudson, C.
Boord, T. W.	Douglas, A. Akers-
Bourke, rt. hon. R.	Dundas, hon. J. C.
Brand, H. R.	Dyke, rt. hn. Sir W. H.
Brise, Colonel R.	Eccroyd, W. F.
Broadley, W. H. H.	Egerton, hon. W.
Brodrick, hon. W. St.	Elcho, Lord
J. F.	Emlyn, Viscount
Brooke, Lord	Estcourt, G. S.
Bruce, Sir H. H.	Evans, T. W.
Bruce, hon. T.	Ewart, W.
Brymer, W. E.	Feilden, Major-General
Burghley, Lord	R. J.
Burnaby, Gen. E. S.	Fellowes, W. H.
Burrell, Sir W. W.	Fenwick-Bisset, M.
Buxton, Sir R. J.	Filmer, Sir E.
Cameron, D.	Finch, G. H.
Campbell, J. A.	Fitzwilliam, hn. C. W.
Campbell, Lord C.	Fletcher, Sir H.
Campbell, Sir G.	Foljambe, F. J. S.
Cecil, Lord E. H. B. G.	Folkestone, Viscount
Chaplin, H.	Forester, C. T. W.
Churchill, Lord R.	Fort, R.
Clarke, E.	Foster, W. H.
Clive, Col. hon. G. W.	Fowler, R. N.

Fremantle, hon. T. F.  
 Gardner, R. Richard-son.  
 Garnier, J. C.  
 Gibson, rt. hon. E.  
 Giffard, Sir H. S.  
 Goldney, Sir G.  
 Gordon, Sir A.  
 Gore-Langton, W. S.  
 Gorst, J. E.  
 Goschen, rt. hon. G. J.  
 Grantham, W.  
 Gregory, G. B.  
 Grey, A. H. G.  
 Halsey, T. F.  
 Hamilton, Lord C. J.  
 Hamilton, I. T.  
 Hamilton, right hon. Lord G.  
 Hamilton, J. G. C.  
 Harcourt, E. W.  
 Harvey, Sir R. B.  
 Hay, rt. hon. Admiral Sir J. C. D.  
 Heneage, E.  
 Herbert, hon. S.  
 Hicks, E.  
 Hill, Lord A. W.  
 Hill, A. S.  
 Hinchbrook, Visc.  
 Holland, Sir H. T.  
 Home, Lt.-Col. D. M.  
 Hope, rt. hn. A. J. B. B.  
 Hubbard, rt. hon. J. G.  
 Jackson, W. L.  
 Kennard, Col. E. H.  
 Kingscote, Col. R. N. F.  
 Knight, F. W.  
 Knightley, Sir R.  
 Lambton, hon. F. W.  
 Lawrence, Sir T.  
 Lechmere, Sir E. A. H.  
 Lee, Major V.  
 Legh, W. J.  
 Leigh, hon. G. H. C.  
 Leigh, R.  
 Leighton, S.  
 Levett, T. J.  
 Lewisham, Viscount  
 Lindsay, Sir R. L.  
 Loder, R.  
 Long, W. H.  
 Macartney, J. W. E.  
 Mac Iver, D.  
 Macnaghten, E.  
 M'Garel-Hogg, Sir J.  
 Makins, Colonel W. T.  
 Manners, rt. hn. Lord J.  
 Master, T. W. C.  
 Maxwell, Sir H. E.  
 Miles, Sir P. J. W.  
 Mills, Sir C. H.  
 Monckton, F.  
 Morgan, hon. F.

Moss, R.  
 Newdegate, C. N.  
 Nicholson, W.  
 Nicholson, W. N.  
 Noel, rt. hon. G. J.  
 Northcote, H. S.  
 Northcote, rt. hon. Sir S. H.  
 Onslow, D.  
 Paget, R. H.  
 Palliser, Sir W.  
 Pell, A.  
 Pemberton, E. L.  
 Percy, Earl  
 Phipps, C. N. P.  
 Plunket, rt. hon. D. R.  
 Ralli, P.  
 Ramsay, J.  
 Ramsden, Sir J.  
 Repton, G. W.  
 Ritchie, C. T.  
 Rodwell, B. B. H.  
 Rolls, J. A.  
 Ross, A. H.  
 Ross, C. O.  
 Rothschild, Sir N. M. de  
 Round, J.  
 Sandon, Viscount  
 Schreiber, C.  
 Scott, Lord H.  
 Scott, M. D.  
 Selwin - Ibbetson, Sir H. J.  
 Severne, J. E.  
 Sinclair, Sir J. G. T.  
 Smith, rt. hon. W. H.  
 Stafford, Marquess of  
 Stanhope, hon. E.  
 Stanley, rt. hn. Col. F.  
 Storer, G.  
 Sykes, C.  
 Talbot, J. G.  
 Taylor, rt. hn. Col. T. E.  
 Thomson, H.  
 Thornhill, T.  
 Tollemache, H. J.  
 Tollemache, hn. W. F.  
 Tottenham, A. L.  
 Walrond, Col. W. H.  
 Warburton, P. E.  
 Warton, C. N.  
 Watney, J.  
 Welby-Gregory, Sir W.  
 Whitley, E.  
 Wilmot, Sir H.  
 Winn, R.  
 Wolff, Sir H. D.  
 Wroughton, P.  
 Wyndham, hon. P.  
 Yorke, J. R.

## TELLERS.

Cartwright, W.  
 Fitzmaurice, Lord E.

## NOES.

Acland, Sir T. D.  
 Agar - Robartes, hon. T. C.  
 Agnew, W.  
 Ainsworth, D.  
 Allen, W. S.

Armitage, B.  
 Arnold, A.  
 Asher, A.  
 Ashley, hon. E. M.  
 Baldwin, E.  
 Balfour, Sir G.

Balfour, J. B.  
 Balfour, J. S.  
 Barnes, A.  
 Barran, J.  
 Bass, A.  
 Bass, H.  
 Beaumont, W. B.  
 Bellingham, A. H.  
 Biggar, J. G.  
 Blake, J. A.  
 Blennerhassett, R. P.  
 Bolton, J. C.  
 Borlase, W. C.  
 Brassey, H. A.  
 Brassey, Sir T.  
 Brett, R. B.  
 Briggs, W. E.  
 Bright, J. (Manchester)  
 Broadhurst, H.  
 Brooks, M.  
 Brown, A. H.  
 Bruce, rt. hon. Lord C.  
 Bruce, hon. R. P.  
 Bryce, J.  
 Burt, T.  
 Buxton, F. W.  
 Byrne, G. M.  
 Caine, W. S.  
 Callan, P.  
 Cameron, C.  
 Campbell, R. F. F.  
 Campbell-Bannerman, H.  
 Carington, hon. Col. W. H. P.  
 Causton, R. K.  
 Cavendish, Lord E.  
 Cavendish, Lord F. C.  
 Chamberlain, rt. hn. J.  
 Chambers, Sir T.  
 Cheetham, J. F.  
 Childers, rt. hn. H. C. E.  
 Clarke, J. C.  
 Clifford, C. O.  
 Cohen, A.  
 Collings, J.  
 Collins, E.  
 Colthurst, Col. D. La T.  
 Corbet, W. J.  
 Corbett, J.  
 Cotes, C. C.  
 Courtney, L. H.  
 Cowan, J.  
 Cropper, J.  
 Cross, J. K.  
 Crum, A.  
 Cunliffe, Sir R. A.  
 Daly, J.  
 Davey, H.  
 Davies, R.  
 Davies, W.  
 Dawson, C.  
 Dilke, A. W.  
 Dilke, Sir C. W.  
 Dillwyn, L. L.  
 Dodds, J.  
 Dodson, rt. hon. J. G.  
 Duckham, T.  
 Earp, T.  
 Edwards, H.  
 Edwards, P.  
 Egerton, Adm. hon. F.  
 Errington, G.

Fairbairn, Sir A.  
 Farquharson, Dr. R.  
 Fay, C. J.  
 Ferguson, R.  
 Findlater, W.  
 Finigan, J. L.  
 Flower, C.  
 Foljambe, O. G. S.  
 Forster, Sir C.  
 Forster, rt. hon. W. E.  
 Fowler, H. H.  
 Fowler, W.  
 Fry, L.  
 Gill, H. J.  
 Givan, J.  
 Gladstone, rt. hn. W. E.  
 Gladstone, H. J.  
 Gladstone, W. H.  
 Gourley, E. T.  
 Gower, hon. E. F. L.  
 Grafton, F. W.  
 Harcourt, rt. hon. Sir W. G. V. V.  
 Hardcastle, J. A.  
 Hartington, Marq. of  
 Hastings, G. W.  
 Hayter, Sir A. D.  
 Healy, T. M.  
 Henderson, F.  
 Henry, M.  
 Herschell, Sir F.  
 Hibbert, J. T.  
 Holland, S.  
 Hollond, J. R.  
 Holms, J.  
 Hopwood, C. H.  
 Howard, E. S.  
 Howard, G. J.  
 Hughes, W. B.  
 Hutchinson, J. D.  
 Inderwick, F. A.  
 James, C.  
 James, W. H.  
 Jardine, R.  
 Jenkins, D. J.  
 Johnson, E.  
 Johnson, W. M.  
 Kinnear, J.  
 Labouchere, H.  
 Laing, S.  
 Lalor, R.  
 Law, rt. hon. H.  
 Lawson, Sir W.  
 Laycock, R.  
 Lea, T.  
 Leahy, J.  
 Leake, R.  
 Leamy, E.  
 Leatham, E. A.  
 Leatham, W. H.  
 Leeman, J. J.  
 Lefevre, right hon. G. J. S.  
 Macfarlane, D. H.  
 Mackintosh, C. F.  
 M'Arthur, A.  
 M'Carthy, J.  
 M'Clure, Sir T.  
 M'Coan, J. C.  
 M'Kenna, Sir J. N.  
 M'Laren, J.  
 Magniac, C.  
 Mappin, F. T.

Marjoribanks, Sir D. O.	Rogers, J. E. T.
Marjoribanks, E.	Roundell, O. S.
Martin, R. B.	Russell, G. W. E.
Marum, E. M.	Russell, Lord A.
Mason, H.	Rylands, P.
Milbank, F. A.	Shaw, W.
Molloy, B. C.	Smith, E.
Monk, C. J.	Smithwick, J. F.
Moore, A.	Smyth, P. J.
Morgan, rt. hn. G. O.	Spencer, hon. C. R.
Mundella, rt. hon. A. J.	Stanley, hon. E. L.
Noel, E.	Stanton, W. J.
Nolan, Major J. P.	Stewart, J.
O'Beirne, Major F.	Storey, S.
O'Brien, Sir P.	Story-Maskelyne, M.H.
O'Connor, A.	Stuart, H. V.
O'Connor, T. P.	Sullivan, A. M.
O'Connor, D. M.	Sullivan, T. D.
O'Donnell, F. H.	Summers, W.
O'Donoghue, The	Synan, E. J.
O'Gorman Mahon, Col.	Talbot, C. R. M.
The	Taylor, P. A.
O'Kelly, J.	Tennant, C.
O'Shaughnessy, R.	Thomasson, J. P.
O'Shea, W. H.	Thompson, T. C.
Otway, A.	Tillett, J. H.
Paget, T. T.	Vivian, A. P.
Palmer, C. M.	Walter, J.
Palmer, G.	Waugh, E.
Palmer, J. H.	Wedderburn, Sir D.
Parker, C. S.	Whitbread, S.
Parnell, C. S.	Wiggin, H.
Pease, A.	Williams, S. O. E.
Pender, J.	Williamson, S.
Playfair, rt. hon. L.	Willis, W.
Powell, W. R. H.	Wills, W. H.
Power, R.	Willyams, E. W. B.
Price, Sir R. G.	Wilson, C. H.
Pugh, L. P.	Wilson, I.
Pulley, J.	Wilson, Sir M.
Rathbone, W.	Wodehouse, E. R.
Redmond, J. E.	Woodall, W.
Reid, R. T.	
Rendel, S.	
Richard, H.	
Richardson, T.	
Roberts, J.	

## TELLERS.

Grosvenor, Lord R.  
Kensington, Lord

## Amendment proposed,

In page 7, line 31, after the word "applies," to insert the words "after having given the prescribed notice to the landlord."—(*Mr. Warton.*)

Question, "That those words be there inserted," put, and *negatived*.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 7, line 35, by leaving out the word "his," and substituting the word "the."

## Amendment proposed,

In page 7, line 37, to leave out the word "interest," in order to insert the word "interests,"—(*Mr. Warton.*)

—instead thereof.

Question, "That the word 'interest' stand part of the Bill," put, and *agreed to*.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 8, line 8, by leaving out "after," and inserting "from the rent day next succeeding the day on which."

## Amendment proposed,

In page 8, line 9, to leave out the word "determination," in order to insert the word "decision,"—(*Mr. Warton.*)  
—instead thereof.

Question, "That the word 'determination' stand part of the Bill," put, and *agreed to*.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made in page 8, line 21, by inserting as a separate paragraph—

"Provided also, that such application for redemption may be entertained by the Court, if it is satisfied that before the passing of this Act, the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with a view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is bona fide required by him for such purpose."

Amendment proposed, in page 8, line 27, to leave out the words "and not by the tenant."—(*Mr. Warton.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

SIR THOMAS BATESON said, the right hon. and learned Gentleman the Attorney General for Ireland had stated not long ago that he was not aware of any case in which the landlords in Ulster had purchased the tenant right and relet the holding. Sir George Young had also written a letter to *The Times* stating the same thing. Now, if both those Gentlemen held that view, it was not at all surprising that the Prime Minister should have also stated that he had not heard of even one case of the kind. This Bill was framed and ready to be launched towards the end of March last; it was introduced to Parliament on the 7th April, and in the beginning of June, seven weeks afterwards, the right hon. and learned Attorney General for Ireland, the Prime Minister, and hon. Gentlemen opposite were not aware of a case in which the Ulster tenant right had been purchased by the landlord. The Prime Minister had challenged him (Sir Thomas Bateson) to produce cases of the kind; and, in response to that appeal, he

had within a short time furnished the right hon. Gentleman with 18 cases which he had verified, and was prepared to substantiate. He had, moreover, informed the right hon. Gentleman that he had a list of 200 cases besides, and that if he would depute some person to investigate them, every facility and assistance should be afforded on his part. The right hon. Gentleman, however, did not avail himself of that offer. Irrespective of the Ulster cases, there were 14 similar cases in the Province of Leinster, where Dr. Edge had purchased up a tenant right analogous to the Ulster Custom; and the House would be surprised to hear that amongst the 200 cases to which he had previously referred there were 65 relating to the county which the right hon. and learned Gentleman the Attorney General for Ireland himself represented. He had no doubt that had the right hon. and learned Gentleman visited his constituents with the regularity that was usual with other Members of Parliament in the case of their constituencies, he would not have made the statement that he was not aware of any case of the tenant right having been bought up by the landlord, seeing that by simply writing to a limited number of friends he (Sir Thomas Bateson) had ascertained that there were 65 cases of the kind in the right hon. and learned Gentleman's own county. In sub-section 4 of the clause under notice, the Court was empowered to disallow any claim which might be put forward where the landlord had made the improvements and maintained them. All he wanted was that they should give the same power to the Court in the case where the landlord had purchased up the buildings and improvements in Ulster and in other parts of Ireland. He could not see what difference there was between a landlord himself making improvements and erecting buildings, or his buying them from someone else. He (Sir Thomas Bateson) had rented a piece of land in London, and had built a house on it, whilst his next-door neighbour had bought his house from the person who had built it. Surely the position of the one was identical with that of the other. Putting aside the proprietors in the Province of Leinster, who had bought up the tenant right custom and the improvements of their tenants, he would now only refer to the

Ulster cases. He was sorry the Prime Minister was not in his place; but the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) was in the House, and he, no doubt, would say—"Oh, in Ulster, where the landlords have purchased up the tenant right, we give them the same power and privileges, and we put them in identically the same position as tenants outside Ulster." But was that so? He (Sir Thomas Bateson) maintained—without intending to be disrespectful—that this was mere special pleading. Had the landlords in Leinster, as a rule, purchased up the whole of the tenants' interest? They had not, although, no doubt, in many cases they had done so. Let them take the case of the Duke of Devonshire's property. On it the landlord had done all the improvements, and the tenants were, practically, English tenants. There were other cases where the landlords had done half the improvements, and others, again, where the whole of them had been effected by the tenants. Therefore, where Ulster landlords had purchased up the whole of the improvements, and had re-let the tenancies to other tenants, it could not be said that those tenants were put in exactly the same position as tenants in Leinster or in Munster. As he had already said, the Bill gave power to exclude tenancies where the landlords had made all the improvements. In Queen's County, on Dr. Edge's property, there were 14 such cases, and there were many others in Leinster; and, he asked, why should they not put the proprietors of these holdings who had invested their money in this way in the same position as the Duke of Devonshire and the great absentee proprietors? He failed to see how the Government could, logically, refuse this Amendment. The Government, he maintained, were on the horns of a dilemma. If sub-section 4 was right, they were bound to accept the Amendment; but if it was wrong, in common justice they ought to strike it out of the Bill. But he doubted very much whether the great proprietors, whose estates were managed on the English system, would be satisfied to have it struck out of the Bill. He said, and said deliberately, that if that House perpetrated a grievous injustice like this, with much more reason and equity might the Democratic Party introduce, &c. &c.

[First Night.]

distant date, a measure to give fixity of tenure to the householders on the London properties of the great Whig magnates, the Duke of Bedford, Lord Portman, and the Duke of Westminster, upon which every shilling of outlay had been made by the tenants. The Representatives in that House of these three leviathan proprietors had been steadily supporting all the most confiscatory provisions of this Bill; but let them beware lest their turn might come next, and should it come, he, for one, would not pity them.

**Amendment proposed,**

In page 8, line 27, after the word "tenant," to insert the words "or that the Ulster tenant right custom, or the benefit of any usage corresponding to such custom, has been purchased or acquired by the landlord or his predecessors in title, and that no permanent improvements have since said purchase been effected by the tenant."

—(*Sir Thomas Bateson*.)

**Question proposed,** "That those words be there inserted."

**THE ATTORNEY GENERAL FOR IRELAND** (Mr. LAW) said, the Government could not accept the Amendment of the hon. Baronet. Take the case where a landlord had bought up the tenant right—that was to say, the tenancy, and had relet the holding, which was a thing which occurred all over Ireland. No one denied that where the landlord in Ulster had bought up the tenant right he got possession of the land, and relet it if he thought fit; but, having bought the improvements and relet the land with those improvements on it, it might fairly be supposed that he had taken good care to charge a higher rent. It was hardly credible that the landlords who had bought up the tenant right, including all existing improvements, would still relet the land at the former rent. Then if there were no houses built, or no land reclaimed, and the new tenant put his capital into the holding, he needed protection as much as did the man who had erected buildings or reclaimed land. He had heard instances of the kind referred to by the hon. Baronet mentioned before; but, although the improvements were set forth, in no case was the new rent specified. The landlord would surely not be so foolish as to invest his money in purchasing up the possession of the land and then relet it at the old rent. The tenant required protection against

an unfair rent, even though the tenant right might have been bought up. Nay, even where he had made no permanent improvements, the farm would still be his home, and he was entitled to security against an exorbitant rent.

**SIR WALTER B. BARTTELOT** could not agree with the arguments just used by the right hon. and learned Gentleman the Attorney General for Ireland. The point was that the new tenant coming in should have money to cultivate his farm properly. His hon. Friend moved an Amendment dealing with cases where the landlord had bought up the tenant right, and the rent was a fair one. The right hon. and learned Gentleman, however, always supposed that the rent would be an unfair one. His hon. Friend assumed that the rents were fair and reasonable, especially on the large properties. The proposal before the House was a most reasonable one, that where the buildings on the holding belonged to the landlord, and the landlord had purchased up the tenant right, the Court might, if it thought fit—the Amendment did not say "the Court shall"—absolve him from the necessity of appearing before it to have the rent fixed.

**LORD GEORGE HAMILTON** said, that, if he understood the argument of the right hon. and learned Gentleman the Attorney General for Ireland, it amounted to this—that in every case where the landlord had bought up the tenant right of any particular holding, and had relet that holding, he had relet it at an increased rent. He (Lord George Hamilton), however, understood his hon. Friend (Sir Thomas Bateson) to say that there were many cases where the landlord had bought up the tenant right and relet without charging an increased rent. ["No, no!"] Hon. Gentlemen who said "No!" did not live in the North of Ireland, and he was of opinion that there were many cases of the kind he had thus described. If the landlords had raised the rents, it was not necessary to make provision for them; but if they had not, they should deal with them as his hon. Friend proposed. If the Amendment were not accepted, there was only one possible means by which these landlords could protect themselves, and that was by taking the first opportunity they could of raising the rent, so that the new tenants might not derive all the

*Sir Thomas Bateson*

advantage from the improvements they had purchased. He was very sorry Her Majesty's Government could not accept the Amendment.

MR. A. M. SULLIVAN noticed that the noble Lord the Member for Middlesex (Lord George Hamilton) had not spoken of cases within his own knowledge where the landlords had bought up the tenant right and had relet, without charging an increased rent. No doubt, the House would have accepted the statement if the noble Lord had stated the facts as having come within his own observation. The House ought not to waste time in discussing the case of a class of landlords who, with all respect to the hon. Baronet (Sir Thomas Bateson), were a class up in a balloon. He had never before heard of them, and did not believe they existed.

MR. GIBSON said, the hon. and learned Member (Mr. A. M. Sullivan) had no particular means of knowing what occurred in the North of Ireland. His hon. Friend (Sir Thomas Bateson), who was unable, by the Rules of the House, to speak again, assured him that there were many cases of the kind referred to capable of being verified, and he offered to furnish particulars of them to the right hon. and learned Gentleman the Attorney General for Ireland. There were many landlords in Ulster, he believed, who had, under express provisions of the Act of 1870, purchased up the tenant right by paying a substantial sum of money, and many had purchased under certain conditions, although he had no greater personal knowledge of these matters than had the hon. and learned Member for Meath (Mr. A. M. Sullivan). It would be in the last degree unfair to such landlords if they were to be put in the position of other landlords who had not spent 1s., and if they were not to have the chance of being paid back the money they had expended, or if they were not to be excluded from this provision of the Bill. They were not excluded in any shape from the 1st section as to free sale. If the Amendment was refused, the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) would be unable to point out any single clause under which the landlord, who had purchased the tenant right, could be put back into the position he originally occupied.

Question put, and *negatived*.

MR. PARNELL said, he hoped the House would not ask him to move his Amendment as to absentees at that late hour of the night, but would agree to the adjournment of the debate. The Amendment would raise a very important question. He had been precluded from moving it in Committee.

MR. W. E. FORSTER: As we have to meet at 12 o'clock to-morrow, perhaps the request of the hon. Member is not unreasonable.

Further Proceeding on Consideration, as amended, *deferred till To-morrow*.

#### PETROLEUM (HAWKING) BILL.

(*Mr Courtney.*)

[*Lords.*] [BILL 222.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Courtney.*)

MR. HOPWOOD hoped the Government would not press the measure on at that hour of the morning. It only came down from the Lords a short time ago, and it was hurried through a second reading last night. He had opposed it that day at the Morning Sitting, and he had good grounds for doing so. If he was in Order, he would say that he had a solid objection to more than one of the clauses of the measure. He would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Hopwood.*)

MR. COURTNEY hoped the hon. and learned Member for Stockport would not persist in his Motion. The Bill was a very simple one, and, no doubt, if they were allowed to proceed with it, when the hon. and learned Member showed that he had a really serious objection to one of its provisions, Progress would be arrested in due time. He (Mr. Courtney), however, did not apprehend that his hon. and learned Friend had anything to object to but a point of detail which might very well be considered now. If they found that they had not sufficient time to consider it, they could report Progress, and resume the discussion of the clauses on another occasion. At this time of the year, it was not wise to postpone mea-

suers unnecessarily. He thought hon. Members would agree with him that the Government were justified in pressing on the Bill.

MR. DILLWYN said his hon. and learned Friend's objection was not a matter of detail. The Government were seeking to take power to modify and rescind and alter regulations with regard to the sale of petroleum. Clause 3 said that one of the principal Secretaries of State might, from time to time, alter, repeal, and add to the regulations contained in the Act; so that, in point of fact, the clause gave power to the Government to alter the law which they were establishing in the other provisions of the Bill. He could not, therefore, think that any objection taken to the clause could well be called a matter of detail.

SIR WILLIAM HARCOURT said, the point raised was obviously a single point upon a single clause, and at that time of the Session he hoped the hon. and learned Gentleman would allow the Bill to proceed.

MR. THOMASSON said, he would withdraw several Amendments he had proposed to move.

MR. R. N. FOWLER suggested that Mr. Speaker should leave the Chair, and that the hon. Gentleman in charge of the Bill (Mr. Courtney) should then consent to report Progress.

SIR JAMES M'GAREL-HOGG urged that the Bill should, at that time of the Session, be allowed to proceed.

MR. WHITLEY said, he looked with considerable alarm upon the notion that men should be allowed to go about the streets with petroleum in carts; and he thought it would be well to report Progress now, because of the great importance of the Bill. The principle of the Bill was a very dangerous one, and he considered that such a Bill ought not to be discussed at 1 o'clock in the morning.

MR. R. H. PAGET also thought it unreasonable to go on with the Bill at such an hour. The House had not had an opportunity of considering the Bill in order to see whether it in any way affected the amending Act passed a few years ago with regard to petroleum. He did not for a moment desire to obstruct the passing of Bills; but this was a Bill of such importance, that it would be unreasonable to ask the House to discuss

it without knowing beforehand that it was coming on.

MR. WARTON supported the proposal to defer the consideration of the Bill, observing that the point to which the right hon. Gentleman the Secretary of State for the Home Department had referred, and which the hon. Member for Swansea (Mr. Dillwyn) had raised, was one of the most important points the House could have to consider. It was legislation by Secretaries of State. The House ought to regard that as a Constitutional question. The hawking of petroleum was a very objectionable practice altogether. Petroleum was a favourite engine of the ultra-Radical Party, and the House did not know for what purpose it might be used. They might have dynamite hawked about in small quantities. Who were the people who were expected to keep the stringent rules proposed? Common pedlars, who were not to be trusted. They knew how reckless men were with gunpowder; these pedlars would not understand, or, if they understood, would disregard and despise the rules. They, no doubt, smoked, and they would care much more for their smoke than for the public safety.

MR. DUCKHAM complained that the Bill had been sprung upon the House. He had never seen or heard of it till tonight, and he thought an opportunity of reading a Bill of such an important character should be given to the House before any decision was taken upon it. He should, therefore, support the Motion for Adjournment.

MR. COURTNEY said, there was every disposition on the part of the Government to give ample consideration to the Bill; but the Government were obliged, at that time of the year, to be guided by a common-sense view, and if the Speaker were not allowed to leave the Chair the House might be precluded from considering the Bill. If the Motion to go into Committee was agreed to, the Government would be ready to stop at any moment after the Speaker had left the Chair. Petroleum was at present hawked under licence, and this Bill only proposed to allow people to hawk it from one county into another.

MR. HOPWOOD said, he would accept the offer of the hon. Gentleman, and would withdraw his Motion.

Motion, by leave, *withdrawn*.

*Mr. Courtney*

Original Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

Committee report Progress; to sit again upon *Thursday*.

#### SUPERANNUATION ACT (POST OFFICE AND WORKS) BILL.

On Motion of Lord FREDERICK CAVENDISH, Bill to extend "The Superannuation Act Amendment Act, 1873," to certain persons admitted into subordinate situations in the Departments of the Postmaster General and the Commissioners of Her Majesty's Works and Public Buildings, ordered to be brought in by Lord FREDERICK CAVENDISH and Mr. JOHN HOLWS.

Bill presented, and read the first time. [Bill 228.]

House adjourned at half  
after One o'clock.

### HOUSE OF LORDS,

*Wednesday, 27th July, 1881.*

The House met;—And having gone through the Business on the Paper, without debate—

House adjourned at a quarter before Five o'clock, till To-morrow, a quarter before Five o'clock.

### HOUSE OF COMMONS,

*Wednesday, 27th July, 1881.*

MINUTES.]—SELECT COMMITTEE—*Third Report*—Public Accounts [No. 350].

PUBLIC BILLS — Ordered — *First Reading* — Infectious Diseases (Notification) \* [229].

Committee—*Report*—Public Works Loans \* [211].

Committee — *Report* — Considered as amended — *Third Reading*—Alkali, &c. Works Regulation (re-comm.) \* [186], and passed.

Considered as amended — Land Law (Ireland) [225], further Proceeding adjourned.

Withdrawn — Judgments (Inferior Courts) \* [48]; County Courts \* [34]; Vivisection Abolition \* [94].

### NOTICE OF RESOLUTION.

#### LAND LAW (IRELAND) BILL.

LORD RANDOLPH CHURCHILL gave Notice that on the Motion for the third reading of this Bill he should move the following Resolution:—

"That the Land Law (Ireland) Bill as originally introduced and amended in Committee is the result of a revolutionary agitation, encourages the repudiation of contracts and liabilities, offends against individual liberty, is calculated to diminish the security of property, will not contribute to the peace or prosperity of Ireland, and tends to endanger the union between that country and Great Britain."

### ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 225.]  
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

CONSIDERATION. [ADJOURNED DEBATE.]  
[SECOND NIGHT.]

Further Proceeding on Consideration, as amended, resumed.

Clause 7 (Determination by Court of rent of present tenancies).

MR. T. P. O'CONNOR, in moving, in the absence of Mr. PARNELL, to insert, in page 8, line 27, after the word "tenant," the words—

"Where an application is made by the landlord to the Court under this section in respect of any tenancy the tenant of which alleges that the landlord is an absentee, the Court may refuse to accede to the application if it is satisfied that the absence of the landlord from the estate is of such a character and extent as to disentitle him to an increased rent,"

said, some persons seemed to imagine that the proposal to give discretion to the Court had been rather sprung upon the House by the hon. Member for the City of Cork (Mr. Parnell). The question of absentee landlords was one of many questions connected with the land tenure of Ireland, which had been discussed over and over again, and introduced into that House repeatedly, but without many beneficial results. As far back as 1819, when a Tory Government was in full vigour, absenteeism had been so great an evil that a Select Committee of this House was appointed to inquire into it. That Committee reported at that time that it was the

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greatest of all the causes which tended to distress the agricultural prosperity of Ireland. He had seen the speeches of Lord George Bentinck, and this proposal did not go so far as the policy which the Leader of the Conservative Party and the landed interest recommended to be adopted with respect to Ireland in 1846. He hoped the House would, as one means of removing this great evil, draw this distinction between absentee and resident landlords. As a matter of fact, the estates of absentee landlords were those upon which the greatest amount of rack-renting existed; and he thought it was high time that something should be done to stop this, and thus to improve the condition of the labouring population of Ireland.

#### Amendment proposed,

In page 8, line 27, after the word "tenant," to insert the words "Where an application is made by the landlord to the Court under this section in respect of any tenancy, the tenant of which alleges that the landlord is an absentee, the Court may refuse to accede to the application if it is satisfied that the absence of the landlord from the estate is of such a character and extent as to disentitle him to an increased rent."—(*Mr. T. P. O'Connor.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, it was impossible for the Government to accept this Amendment; but in making that statement he hoped the hon. Member, and the House generally, would not consider that the Government were at all unaware or forgetful of the great evil of the extent of absenteeism which existed in Ireland, and he supposed there was a general opinion that anything that could be done legitimately to check absenteeism would be an advantage. But it was almost impossible to do it by direct legislation. They might hope, by getting Ireland into a better condition, to induce landlords to remain more in that country, and perform their duties with regard to property more thoroughly; but that was a matter that could be furthered a good deal more outside the House than in it. He thought, in fact, that the Amendment itself showed the difficulty of checking absenteeism by direct legislation. The Bill provided that the Court should fix a fair rent, and the hon. Member proposed that if the landlord wished the Court to fix it,

it was not to do so because he was an absentee. He did not see why the fact of a landlord being an absentee should disentitle him to a fair rent for his holding. According to the Amendment the Court was to be satisfied that the absence of the landlord was to be of such a character and extent as to disentitle him to an increased rent. Those words clearly proved how impossible it would be to work the Amendment. It gave the Court no directions or guidance as to what should be the extent and character of absenteeism. It was an Amendment which the Government could not accept.

MR. ARTHUR ARNOLD remarked, that absenteeism was, undoubtedly, a great evil in Ireland. So long ago as 1846 a former Leader of the Conservative Party (Lord George Bentinck) proposed that there should be two poor rates levied in Ireland, one on the occupiers, and the other on the owners of land who did not reside in Ireland for a certain period of the year. That was a definite proposition, and it proceeded upon a principle which he did not observe in the Amendment now before the House. He agreed very much with the remarks that had fallen from the Chief Secretary. It could not be contended that because a landlord was an absentee he should, therefore, not be in a position to obtain a fair rent. That was not, in his opinion, a just proposition. Irish absenteeism was an evil, and an evil which it was sought to get at by legislation. He believed it could only be got at by the compulsory purchase of estates of absentee proprietors. But, be that as it might, he could not consent to an Amendment that would leave to the Court a vague and indefinite reference which it would be impossible for the Commissioners to interpret in a satisfactory manner.

MR. P. MARTIN said, he was of opinion that the Amendment was both wise and reasonable. Upwards of £6,000,000 left Ireland annually through absentee landlords; and if the Amendment was adopted he believed it would have the effect of diminishing this drain on the resources of the country. The remedy suggested by the Amendment was both useful and just. Indirectly it properly enforced residence as one of the conditions of the exercise of the rights conferred by the Bill on the entire land-

*Mr. T. P. O'Connor*

lord class. It was not unreasonable that it should be required for the protection of tenants that the proprietor should, before he demanded an increase of rent, be bound to show of his own knowledge the claim was just. How was it possible that an absentee landlord, who demanded an increased rent, could tell whether the rent being paid was just or not, or that the tenant was able to pay it? Every endeavour should be made to discourage the management of Irish estates by agents, who were the most detested class in Irish society, and to encourage the personal supervision of landlords, if landlords were to have a separate existence. He hoped the Amendment would be pressed to a division.

MR. SCHREIBER said, that, considering the quarter from which it came, the Amendment struck him as the most wonderful proposal which had yet been made in connection with that most wonderful Bill. As far as he had been able to understand the policy of the hon. Member for the City of Cork (Mr. Parnell) in the matter of Irish landlords, it had been, it still was, and it would be in the future, to make Ireland too hot to hold them. With that view an agitation had been set on foot—the parent of this Bill; and what that agitation aimed at that Bill would undoubtedly facilitate. Its effect would be to increase absenteeism, and generally to leave Ireland “to stew in her own gravy.” In these circumstances, was it not amazing to hear the hon. Member come forward with a proposal to punish landlords for doing that which it was the direct tendency of that Bill to promote? He (Mr. Schreiber) remembered, when Lord Palmerston represented the borough of Tiverton, a certain butcher, of the name of Rowcliffe, used to put him yearly to the question; and, on the occasion of one of his visits, asked him why he did not come to see his constituents oftener? “How can my hon. friend,” said Lord Palmerston—he always called him his “hon. friend”—“How can my hon. friend expect me to come down oftener unless he makes himself a little more agreeable when I do come?” Well, *mutato nomine*, the story was told of Irish Members and Irish landlords. If hon. Gentlemen from Ireland would only make themselves a little more agreeable to landlords, both in that House and out of it, they would have

less cause to complain of absenteeism in the future.

MR. DAWSON contended that the opponents of the Amendment showed by their opposition that they were unaware of the evils of absenteeism in Ireland. In an article in *The Quarterly Review* of 1825, he found that at that time the non-residence of Irish landlords was regarded as the greatest evil afflicting the country. Other countries exported their produce and received the ordinary exchange of commerce. Ireland exported hers to the extent, at that time, of £4,000,000 per annum, and all she received in return was rent receipts. The Conservative Party, and, indeed, all Parties, had lamented the evils of absenteeism. The great landlords always resided out of the country, and only the struggling proprietors remained. The country was forced into a sham state of society—it was the agents and not the land proprietors who filled the high official and social positions in Ireland, and it was their interested and hard-hearted representations as to the state of the country that were accepted as accurate. The connection of Ireland with England was productive of many shams, but that was one of the worst. Taking his own county (Limerick)—where were the owners of the soil? Lord Leconfield, Lord Lansdowne, and others, who owned practically the whole county—none of them were resident, none of them were helping to push back from the towns of Southern Ireland that tide of decay which, under English supremacy, was advancing upon them. The interposition of the agent between the landlord and the people was the inevitable cause of much evil. He regarded the restoration to Ireland of her Legislature as the one great solution of the question. Then the law where it was now weak would be firm; the administration of justice, which was now conducted under the taint of suspicion, would be trusted by the people. Following this, every social inducement would come naturally. He would not impose a direct tax upon absentee landlords; but he would deprive them of the benefits under this Bill to which those who resided in the country were justly entitled.

MR. GLADSTONE said, he could quite understand the hon. Member for the City of Cork (Mr. Parnell) having brought forward this Motion, as a pro-

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test in favour of principles which he thought it material to bring to the recollection of the House; and he had before confessed that, to a certain extent, he sympathized with the hon. Member in his general views on the subject of absenteeism. Were it a question on which, in the first place, they were prepared with a statutory definition, and with respect to which, in the second place, they had matured their views, and had considered the precise method in which the absentee landlord was to be dealt with, he could quite understand it; but he submitted that this was not a time when they could with advantage discuss either the creation of a separate Legislature in Ireland, or of the questions involved in this sub-section. The real question was, whether it was necessary to delay the progress of this Bill by a discussion which really must be purely of the character which was called academical in contradistinction to discussions which were practical. It was plain that the sub-section bristled at every point with difficulties, and with questions of the most serious nature, which required very lengthened examination. Was it possible that there could be, in the present circumstances, any fruit from that examination? Was it possible they could derive any benefit from the prolongation of this debate at all corresponding to the inconvenience which attended further delay in the progress of the Bill? He did not at all exclude a discussion of this kind on the proper occasion; but it certainly did not enter into the essence of the Bill. The questions raised were questions of policy, and he was bound to say that he did not think the distinction between imposing on the absentee a tax, and withholding from him a benefit, was a distinction that could be maintained. He denied that increased rent was always an advantage; it might be simple justice. The question was much too wide and too complex to be discussed in an Amendment on the Report, and he earnestly hoped the judgment of the House would not at once be taken upon it.

MR. PARNELL said, he had no intention of prolonging the debate; but he might be allowed to say that the Amendment was of a much more practical character than the Prime Minister seemed to suppose. In fact, he thought it the most practical way in which the question of absenteeism had been at-

tempted to be dealt with in the present Bill, or in the various attempts that had been made to deal with the question since 1819. The Irish Members had brought the question forward over and over again since 1819; but they had been always met by the same reply as that which the Prime Minister had just given—namely, that the question was undoubtedly one deserving attention; that absenteeism was a serious evil, but the Government did not see their way to grapple with it. The Chief Secretary was wrong in saying he did not desire that absentee landlords should have a fair rent. What he desired to prevent was that they should have an increase of rent. In other words, that where an absentee landlord compounded for the discharge of his duties as a resident landlord by allowing his tenants to hold farms at low rents, he should not be permitted to come in and take advantage of the special provisions of this Bill, which provided an easy road for such persons to have their rents raised, and, at the same time, escape from the odium that formerly attached to the serving of notices to quit. Instead of incurring that odium they would take advantage of the royal road provided by the Prime Minister under Clause 7. The House would bear in mind that he (Mr. Parnell) asked nothing more than that Clause 7 should be restored to its original state, the state in which it was when the Bill was read a second time. The clause had been amended in Committee so as to give power to any landlord who desired to increase his rent to apply to a Court to have a judicial rent fixed. He was, therefore, fairly entitled to ask—and he did not think it was a large request coming from him—that landlords so especially circumstanced as absentees should be exempted from the Amendment which was introduced by the Government—an Amendment which would take away the odium from rent-raising, because the landlord formerly had to go through the ordeal of serving a notice to quit. He thought this was not fair, and he asked that discretion should be given to the Court to take into account the nature, character, and extent of the absence of landlords when they were asked to decide whether those landlords were entitled to an increase of rent or not. The most important question of deciding what was a fair rent had been left to the

*Mr. Gladstone*

Court—why not also this? He knew very well that if this Amendment was agreed to here the territorial Lords and Irish Peers in “another place” would rise up as one man against it. There was not the slightest chance of carrying the Amendment there. But that was a matter with which they ought not to concern themselves. It was their duty to bring forward reasonable propositions, and throw upon “another place” the responsibility of rejecting them.

Mr. MACFARLANE said, it was admitted on all hands that the evil of absenteeism should be dealt with; but he thought that if the Amendment were adopted, the absentee landlord, who took a kindly interest in his tenants and exacted low rents, would be unable to raise his rent, while the rack-renting absentee landlord would suffer nothing. If, however, the hon. Member went to a division he would vote with him, on the principle that absenteeism should be taxed in some way or another.

Mr. DALY said, he thought the effect of this indirect penalty of absenteeism would be an inducement to absentee landlords to sell their estates to resident owners, who would administer the property with more advantage to the country.

Mr. T. D. SULLIVAN said, that the only fault he had to find with the Amendment was that it merely touched the fringe of a very important question. A Parliamentary Return granted in August, 1866, showed that absentees drew from Ireland one-quarter of the total rent of the whole country. He thought this Bill should impose a penalty on absentee landlords in order to mark the sense of Parliament and of the country of their conduct. The total drain by absentees was nearly £2,500,000; and with this and excessive taxation, and other drains upon them, how was it possible Ireland could thrive or be contented? He trusted that this most serious grievance would at no distant day be dealt with by Government and the House in a large and comprehensive manner.

Question put.

The House divided:—Ayes 32; Noes 115: Majority 83.—(Div. List, No. 337.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that, in accordance with an understanding come to

in Committee respecting the landlord's purchase of a tenancy, the value of which had been ascertained at the time of the fixing of the judicial rent, he begged to move to amend the clause by adding at the end of sub-section 5 the words—

“But subject to deduction in respect of any damage caused by dilapidation of buildings or deterioration of soil since the time at which the value was so fixed.”

Amendment proposed,

In page 8, line 40, after “fixed,” insert “but subject to deduction in respect of any damage caused by dilapidation of buildings or deterioration of soil since the time at which the value was so fixed.”—(Mr. Attorney General for Ireland.)

Question proposed, “That those words be there inserted.”

Mr. HEALY said, the Amendment was utterly unnecessary and contrary to common sense, for the Court would necessarily be assumed to make allowance for dilapidations. He could only regard it as a concession to the Tory opposition raised on behalf of the landlord party in the House. He only wished the Government had displayed equal sensitiveness for the tenant's interests.

Question put, and agreed to.

Amendment proposed,

In page 9, line 2, to leave out the words “except during,” in order to insert the word “before,”—(Mr. Warton.)  
—instead thereof.

Question, “That the words ‘except during’ stand part of the Bill,” put, and agreed to.

Mr. HEALY, in proposing to add the following sub-section to Clause 7—

“During the last twelve months of any current statutory term, or at any time after the expiration thereof, and during the continuance of the tenancy, the tenant for the time being may, whether said statutory term was created on application to the Court under this section, or by increase of rent under the third section of this Act, apply to the Court to fix the fair rent to be paid for his holding, and the Court shall have power to deal with such application, and shall deal with it accordingly, as if such tenant had been empowered to make such application under this section, but had not previously made any such application. The judicial rent for any such further statutory term shall not exceed the judicial rent for the next preceding statutory term unless in respect of capital expended by the landlord on such holding since the commencement of such preceding term, or unless such holding has, independently of any im-

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provements effected by the tenant thereon, increased in value since the commencement of the said preceding statutory term,"

said, he was desirous of guarding the tenant with the same care as had been displayed in protecting the rights of the landlord; and with regard to the second part of the Amendment he wished to see it laid down that unless the landlord had made improvements during the last term, or some unearned increment had arisen, such as the uprising of a new town, or the making of a railway or canal, there should be no increase of the existing rent. Why, he asked, should the landlord have the power to increase the rent unless there had been some such ground for it? This question would also, in his opinion, include that of a rise in the price of produce. The Government had adopted a needless Amendment in favour of the landlord, and he did not see why the Irish Members should not do everything they could on behalf of the tenants, and insist on the insertion of the Amendment, which he now begged to move.

#### Amendment proposed,

In page 9, line 3, after the word "term," to insert the words—"During the last twelve months of any current statutory term, or at any time after the expiration thereof, and during the continuance of the tenancy, the tenant for the time being may, whether said statutory term was created on application to the Court under this section, or by increase of rent under the third section of this Act, apply to the Court to fix the fair rent to be paid for his holding, and the Court shall have power to deal with such application, and shall deal with it accordingly, as if such tenant had been empowered to make such application under this section, but had not previously made any such application. The judicial rent for any such further statutory term shall not exceed the judicial rent for the next preceding statutory term unless in respect of capital expended by the landlord on such holding since the commencement of such preceding term, or unless such holding has, independently of any improvements effected by the tenant thereon, increased in value since the commencement of the said preceding statutory term."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (*Mr. LAW*) said, the reason why the Government inserted the last Amendment was because there was no discretion at all in the matter left to the Court. With regard to the first part of this Amendment, the apprehensions which the hon. Member entertained were, he submitted, entirely groundless. The

*Mr. Healy*

Amendment, in his opinion, was unnecessary; and it was not desirable, by the adoption of words of this kind, to cast doubts upon what was absolutely clear. With regard to the last part of the Amendment, it was, he might almost say, absurd to suppose that under the Bill the tenant's improvements could be taken into account against him in fixing a fair rent.

MR. BIGGAR said, it would be very desirable if the Government would make it perfectly clear that no increase of rent should be imposed in respect of any of the tenant's improvements.

MR. GLADSTONE said, according to the full belief of the Government, it was absolutely impossible under the Bill to bring in the consideration of the tenant's improvements so that any portion of the rent might be charged upon them. He would go even a step further, and say that if any hon. Member would show that under any portion of the Bill there was any reason to conclude that he was wrong in that belief, the Government would be prepared to insert words amending the Bill in that respect.

#### Amendment, by leave, *withdrawn.*

MR. HEALY said, that the reason why he asked leave to withdraw his Amendment was that he might move another to the following effect:—

"That the judicial rent for any further statutory term shall not exceed the judicial rent for the preceding statutory term in respect of any improvements made by the tenant."

He thought the Prime Minister had met the matter fairly, and agreed with him that it was not possible to put a finger on any part of the Bill that would afford ground for the conclusion that a judicial rent could be leviable on the tenant's improvements; but, at the same time, it was to be remembered that so far the Courts had always acted on landlord traditions, and had interpreted the law on their side; and, therefore, he thought it very desirable that the intentions of the Government should be made clear.

#### Amendment proposed,

In page 9, line 3, after the word "term," to insert the words "The judicial rent for any further statutory term shall not exceed the judicial rent for the preceding statutory term in respect of any improvements made by the tenant."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, if there were occasions for providing against taking into account the tenant's improvements in the question of rent it ought to be under a stronger proposal than the one just submitted, and one that must apply to all occasions on which rent was fixed. If the Amendment were withdrawn, his right hon. and learned Friend the Attorney General for Ireland would be prepared to introduce words that would meet the case.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) begged to propose the following sub-section:—

"No rent shall be made payable in any proceeding under this Act in respect of any improvements made by the tenant or his predecessor in title."

He hoped these words would, at least, remove all apprehension.

Amendment proposed,

In page 9, at end, to add the following sub-section—"No rent shall be made payable in any proceeding under this Act in respect of any improvements made by the tenant or his predecessor in title."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there added."

MR. GIBSON said, the Amendment came on him by surprise, and he was not sure whether the words chosen by the Government were the best calculated to effect their professed object. This matter should have been dealt with earlier, when the Court was asked to determine what was a judicial rent. He thought these words were somewhat loose, and possibly open to misconstruction. That was the first time they were put in manuscript. The Government were dealing with a most important clause. They, at the last moment, proposed words governing the whole clause, and they must be solely answerable. He thought the words proposed by his right hon. Friend the Member for North Devon (Sir Stafford Northcote), in reference to the same subject at an earlier stage of the Bill, were better chosen, but he repudiated all responsibility for the present action of the Government.

MR. GLADSTONE said, the Amendment alluded to by the right hon. and learned Gentleman (Mr. Gibson) had

been rejected, on the ground that by imputation it tended to the dangerous conclusion that the tenant had no interest in his holding except as regarded his improvements.

MR. BRYCE thought the Amendment now proposed excellent, and one which would give great satisfaction.

MR. MITCHELL HENRY said, he firmly believed that there were no words in the Bill which would give such satisfaction and comfort to the tenants as these words. Many parts of the measure they would not be able to understand; but these were words which would be learned by heart, and which would become household words, as governing the tenant's interest in this matter of improvements.

Question put, and *agreed to*.

MR. LALOR said, the Amendment which stood in his name on the Paper pointed out the consideration to be borne in mind by the Court in fixing a judicial rent after the expiration of the first or any succeeding statutory term. He proposed that the rent should be determined upon an average of the value of the crops on the land during the then expired statutory term. His Amendment, which he now begged to move, detailed at length the means by which this average was to be ascertained.

Amendment proposed,

In page 9, line 3, after the word "term," to insert the words—

"Where the tenant of a present tenancy, the rent of which has been fixed as a judicial rent, either by the Court or by mutual agreement between landlord and tenant, applies to the Court for an alteration of rent at the termination of the statutory term, the Court shall have power to fix a rent for the next statutory term: Provided, That in fixing such rent the Court shall not take into account the present state of the farm at the time being, but only take into account the prices of the farm produce, hereinafter designated, at the time when the first judicial rent was fixed, as compared with the average prices of the same description of farm produce during the whole period of the latest previous statutory term;

"And if the value of the farm has decreased in proportion and in consequence of the fall in prices of the same description of farm produce, hereinafter designated, then the difference between the present value of the farm and the rent fixed for the first statutory term shall be ascertained, and half the amount so ascertained shall be

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deducted from the present rent, and the rent so fixed shall be the judicial rent during the next statutory term. But if the prices of the same description of farm produce, hereinafter designated, shall have increased, and in consequence the value of the farm has proportionately increased, then half the amount of such increase shall be added to the present rent, and the rent so fixed shall be the judicial rent during the next statutory term;

"And at the end of each succeeding statutory term for the future, the tenant of every present tenancy, and the tenant of every future tenancy shall, on application to the Court, have the judicial rent fixed during the ensuing statutory term on the same principle and in the same way as in the foregoing sub-section;

"For the purpose of fixing in future, at the end of each statutory term, what shall be a fair rent for a tenancy during the next succeeding statutory term of said tenancy, the Land Commission shall appoint a competent person, who shall be an officer under the control and direction of said Land Commission, to ascertain what has been the average wholesale prices in Dublin of the following farm products during every week of the time between the first of May, one thousand eight hundred and eighty, and the first of May, one thousand eight hundred and eighty-one, namely:—

Wheat at per stone of fourteen pounds.

Oats	"	"	"
Barley	"	"	"
Beef	"	"	"
Butter	"	"	"
Mutton	"	"	"
Wool	"	"	"
Pork	"	"	"

And the prices so ascertained shall be registered in a book for that purpose, and preserved in the office of the Land Commission, and a copy of the same shall be forwarded to, and preserved in, each of the County Land Courts of Ireland;

"And it shall be the duty of the said officer of the Land Commission to ascertain during every week for the future, commencing from the first day of May, one thousand eight hundred and eighty-one, what may be the average wholesale prices in Dublin of the afore-named farm products;

"And the prices so ascertained shall be registered in a book for that purpose, and preserved in the office of the Land Commission;

"And at the end of every succeeding year, from the day on which the first entry shall be made, the average of such prices shall be ascertained for the entire period of such year, and entered at the end of each year's account;

"And a certified copy of the entries in said book shall be forwarded to, and preserved for use in, each of the County Land Courts in Ireland. Provided, That in fixing a rent according to the prices of the hereinbefore mentioned farm products, the Courts shall distinguish between a holding which is a mixed agricultural farm (partly grazing and partly tillage) and a holding which is com-

monly designated by the term 'feeding land,' or, in other words, land which is chiefly used as grass land for fattening cattle, or feeding cows for dairy purposes;

"In fixing rent for mixed agricultural holdings the Court shall be guided by the prices of the farm products hereinbefore mentioned (that is to say): wheat, oats, barley, beef, butter, mutton, wool, and pork;

"In fixing rent for a holding which is 'feeding land,' that is to say, land which is chiefly used for fattening cattle and feeding milch cows, the Court shall only take into consideration the prices of beef and butter;

"In fixing rent the Court shall have the power to designate the holding either as a 'mixed agricultural holding,' or as 'feeding land,' as the case may be, or the Court may otherwise designate the holding, and fix the rent in accordance with the prices of the farm produce usually raised from the land composing such holding, and, in the opinion of the Court, suitable to its natural capabilities, and included in the hereinbefore mentioned farm products."—(*Mr. Lalor.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he hoped that the hon. Member would spare them the necessity of considering the Amendment, which, however, he acknowledged dealt with a very important matter. He did not understand how a Court on which devolved the interpretation of the words just adopted could possibly take into consideration, in fixing a judicial rent, improvements made by the tenant. When the question was brought before it of fixing a rent for the second or any statutory term, the Court would naturally take as its starting point the judicial rent already existing; and the Court would distinctly throw upon the party, be he either landlord or tenant, desiring to have that judicial rent altered, the burden of proving his case for the alteration. It could, therefore, be the duty of the landlord or tenant to be in a position to prove clearly what the improvements were in regard to which the Court was not to enhance the rent. He could not but think that the security given by the Attorney General for Ireland's Amendment would be sufficient. He objected to saddling the Court with minute directions, both on account of the difficulty of fixing upon those directions and of the likelihood that they would afterwards find they had committed great errors of omission in relation to cases not present to their mind at that time. He believed that the Court would consider all matters bearing upon

the point more freely, more satisfactorily, and more justly, if it was not bound in the manner required by the Amendment.

Amendment, by leave, *withdrawn*.

MR. BRYCE moved, in page 9, line 3, to add, at the end, the following subsection :—

"Where during the last twelve months of a current statutory term, or at any time after the expiry of the same, an application is made to the Court to fix a judicial rent, the Court, in determining whether any and what variety shall be made in the amount of the rent from the amount at which it had been previously fixed, shall have regard to any rise or fall (as the case may be) in the prices of the agricultural produce of the district and of live stock estimated upon an average of the five years last preceding and to any rise or fall (as the case may be) in the wages of labour or otherwise in the cost of production, estimated upon an average of the like period; but the rent shall in no case be increased in respect of any value which may have been added to the holding by any improvements made by the tenant."

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought there was no necessity for the Amendment.

Amendment, by leave, *withdrawn*.

MR. PARNELL begged formally to move the following Amendment for the purpose of explaining why he did not propose to proceed with it. It was—

"Where during the currency or after the close of a statutory term an application is made to the Court to determine a judicial rent, the Court in determining such rent shall consider that the holding has the same producing capacity that it had at the commencement of the statutory term then closing or closed."

What he meant to explain was that the Amendment which had just been moved by the Attorney General for Ireland to a very considerable extent carried out the object of his Amendment, as it provided that no rent should be payable in respect of any improvements made by the tenant or his predecessor in title. Under these circumstances, as his object had been to a considerable extent met by the Attorney General for Ireland, he would not move his Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 8 (Equities to be administered by Court between landlord and tenant).

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Amendment proposed, in page 9, line 5, after the word "tenant," to insert the words "or of landlord and tenant jointly."—(Mr. Warton.)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 9 (Lease approved by Court during its continuance to exclude provisions of the Act).

MR. GIBSON (in the absence of Lord JOHN MANNERS) moved in page 9, line 25, after "tenant," to insert the words—

"And, where such lease is made by a limited owner, as defined by the twenty-sixth section of 'The Landlord and Tenant (Ireland) Act, 1870,' the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner."

The object of the Amendment was to insure that the Court should consider the interest of other persons besides the limited owner and the tenant, and thus to prevent injustice being done to persons who might not be before the Court.

Amendment proposed,

In page 9, line 25, after "tenant," insert "and, where such lease is made by a limited owner as defined by the twenty-sixth section of 'The Landlord and Tenant (Ireland) Act, 1870,' the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner."—(Mr. Gibson.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) suggested that the reference to the Act of 1870 should be omitted from the Amendment.

Amendment, as amended, *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved an Amendment, in page 9, line 30, providing that the judicial leases referred to in the latter part of the clause should refer to tenants of present tenancies. The second paragraph of the clause would then read—"At the expiration of the judicial lease made to the tenant of a present tenancy."

Amendment proposed, in page 9, line 30, after "lease," insert "made to the



tenant of a present tenancy." — (Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. HEALY regretted that the provisions of the clause were not extended further. It would probably not result in more than a dozen judicial leases in the whole of Ireland.

Question put, and *agreed to*.

Clause, as amended, *agreed to*.

Clause 11 (Conditions of fixed tenancy).

On the Motion of Mr. GIBSON (in the absence of Mr. BRODRICK) Amendment made, in page 10, line 3, by inserting, after "tenancy," the words—

"And as in the case of the landlord who is a limited owner the Court shall approve after considering the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that, in accordance with an understanding arrived at in Committee on the Bill, he begged to move the insertion in page 10, line 7, after "tenant" of the words—

"The rent on any such re-valuation being such as the Court, after hearing the parties and having regard to the interests of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, shall determine to be fair."

Question proposed, "That those words be there inserted."

MR. GIBSON said, he protested against some of the words of this Amendment and to the position they occupied, as much as he had done against a part of the original drafting of the Bill.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 12 (Regulations as to sales and applications to Court to fix rent).

MR. BIGGAR moved to substitute 12 months for six months in the 1st section, with reference to the power of the tenant to sell his tenancy at any time before, but not after, the expiration of six months from the execution of a writ or decree for possession in any ejectment

for non-payment of rent, when proceedings were taken by the landlord to compel a tenant to quit his holding. He said the tenant should be allowed more time for making fresh arrangements, and for getting in a solvent condition. He hoped the Government would agree to extend the period with regard to redemption.

Amendment proposed, in page 10, line 16, to leave out the word "six" and insert the word "twelve." — (Mr. Biggar.)

Question proposed, "That the word 'six' stand part of the Bill."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he hoped the Amendment would not be pressed, as it was not proposed to alter the general statute law of Ireland by this Bill, and that was what they would be doing if they adopted the Amendment. The clause was already very much in favour of the tenant.

Amendment, by leave, *withdrawn*.

MR. GIBSON moved to insert in page 10, line 18, after the word "rent," the following words:—

"Where such rent is not a judicial rent, and at any time before but not after the expiration of six months from the date of the judgment or decree for possession in an ejectment for non-payment of rent where such rent is a judicial rent."

The Amendment was one which he thought would commend itself to the House. The six months allowed to the tenant for the redemption of his farm under a decree for possession in an ejectment for non-payment of rent had been found a most fruitful source of strife, because the landlord was in possession of his farm for six uncertain months, during which he could make no definite let or work the farm to any advantage. If the country was disturbed, as it had been of late, there was great difficulty experienced in executing the decree, owing to the uncertain date from which the six months commenced to run. No remedies whatever were given to the landlords, and not a solitary provision facilitating the recovery of their rights. He, therefore, now proposed to make a simple and moderate amendment of the law in reference to the redemption period, and to say to the tenant, if he came under the operation

of that Bill and obtained a judicial rent and a statutory term, and if he then failed to pay and his landlord brought an ejectment and the tenant did not sell, in that case the redemption period should run from the fixed date when the ejectment decree was pronounced, and not from a precarious date. He hoped the Government would accept his proposal.

#### Amendment proposed,

In page 10, line 18, after the word "rent," to insert the words "where such rent is not a judicial rent, and at any time before but not after the expiration of six months from the date of the judgment or decree for possession in an ejectment for non-payment of rent where such rent is a judicial rent."—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he opposed the Amendment on the same ground as he had objected to the Amendment of the hon. Member for Cavan (Mr. Biggar). He did not propose in that Bill to alter the general law as to ejectment for non-payment of rent. If no new remedies were given to the landlord by the Bill, it was because legislation was required, not in the interest of the landlord, but in the interest of the tenant. The period was now six months from the time when the ejectment was practically enforced; and it would be very inconvenient and a source of much confusion to have two periods applicable to the same tenancy under different circumstances.

#### Question put, and *negatived*.

On the Motion of the ATTORNEY GENERAL FOR IRELAND (Mr. LAW) Amendments made in page 11, line 7, after "and," by inserting "in such case;" page 11, line 9, after "application" by inserting—

"Provided, That proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows:—

- "(1.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of the statutes relating to ejectment for non-payment of rent; and
- "(2.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit."

In page 11, line 36, at end, by inserting as a separate paragraph—

"The service of a notice to quit, to enforce which no proceedings are taken by the landlord, or the proceedings to enforce which are restrained by the Court, shall not operate to determine the tenancy."

In page 11, line 40, by leaving out from "Provided," to "quit," in page 12, line 2.

Clause, as amended, *agreed to*.

Clause 16 (Contracts inconsistent with Act, how far void).

MR. HEALY moved, after the word "pounds," to insert "under one landlord." It was merely a verbal Amendment, and he hoped the Government would accept it.

Amendment proposed, in page 12, line 39, after "pounds," insert "under one landlord."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he opposed the Amendment on the ground that it was unnecessary.

Question put, and *negatived*.

Clause *agreed to*.

Clause 17 (Powers of limited owners).

COLONEL STANLEY moved, in page 13, line 27, at end of clause, to add the following words:—

"Provided always, That in the case of any holding subject to mortgages the prescribed notice of any agreement affecting such holding between landlord and tenant, or proceedings affecting such holding under the foregoing provisions of this Act, shall be served upon the mortgagees, and the mortgagees shall be entitled to object to any such agreement or to intervene in such proceedings in the prescribed manner and subject to the prescribed conditions."

The Amendment was intended to prevent anything being done behind the back of the mortgagees. He understood the Government were prepared to accept it in principle.

Amendment proposed,

In page 13, line 27, after the word "interest," to insert the words—"Provided always, That in the case of any holding subject to mortgages the prescribed notice of any agreement affecting such holding between landlord and tenant, or proceedings affecting such holding under the foregoing provisions of this Act, shall be served upon the mortgagees, and the mortgagees shall be entitled to object to any such agreement or

to intervene in such proceedings in the prescribed manner and subject to the prescribed conditions."—(*Colonel Stanley.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was prepared to accept the Amendment in principle; but he considered it required some modification, and therefore moved that it should be amended so as to read—

"That in the case of any holding subject to mortgage the prescribed notice of any agreement between landlord and tenant for granting a judicial lease or creating a fixed tenancy of such holding under the foregoing provisions of this Act shall be served on the mortgagee, and the mortgagee shall be entitled to intervene in such proceedings in the prescribed manner, and subject to the prescribed conditions."

Amendment (*Colonel Stanley*) by leave, *withdrawn.*

Amendment (*Mr. Attorney General for Ireland*) agreed to.

Clause, as amended, *agreed to.*

Clause 18 (Letting for labourers' cottages not to be within the restrictions of Act).

MR. BELLINGHAM proposed to insert in page 13, line 28, the following words:—"or by the terms of any existing leases," the object being to secure that a letting for labourers' cottages should not be deemed to be a sub-letting within the restrictions of the Act, or a letting prohibited by the Act, or "by the terms of any existing leases."

Amendment proposed, in page 13, line 28, after the word "Act," to insert the words "or by the terms of any existing leases."—(*Mr. Bellingham.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, this would be the adoption of a principle which would be new in the Bill. Under the Bill power was taken to quash certain leases on broad grounds; but the Amendment made a suggestion of quite a new kind. It proposed to interfere with leases without quashing them. Such a proposal ought not to be agreed to except upon the strongest grounds, or some very urgent grievance, which had not been shown to exist to any extent.

Question put, and *negatived.*

MR. GIBSON proposed, in page 13, line 28, after "Court," insert "after service of the prescribed notice upon the landlord." This would provide that the period of redemption should run from the issue of the process of ejectment, instead of from the date of the execution of the decree. He thought this was but fair to the landlords, of whose interests the Bill was, on the whole, neglectful.

Amendment proposed,

In page 13, line 28, after "Court," insert "after service of the prescribed notice upon the landlord."—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that if the Bill appeared to neglect the landlords it was because they had in the past taken good care of themselves. He declined to accept the Amendment, as it introduced an innovation into the state of the law.

Question put, and *negatived.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 13, line 35, to leave out from "Provided" to the end of the clause, and insert—

"Provided, That the land comprised in each letting shall not exceed half an acre in extent, and that where the holding contains not more than twenty-five acres of tillage land the number of such lettings shall not exceed one; and that where the holding contains more than twenty-five acres of tillage land, but not more than fifty acres of such land, the number of such lettings shall not exceed two; and so in proportion to the acreage of tillage land in the holding after fifty acres."

The object of the Amendment was simply to make the views of the Government on the question of the labourers' dwellings perfectly clear.

Amendment proposed,

In page 13, line 35, leave out from "provided," to end of Clause, and insert "Provided, That the land comprised in each letting shall not exceed half an acre in extent, and that where the holding contains not more than twenty-five acres of tillage land, the number of such lettings shall not exceed one, and that where the holding contains more than twenty-five acres of tillage land, but not more than fifty acres of such land, the number of such lettings shall not exceed two; and so in proportion to the acreage of tillage land in the holding after fifty acres."—(*Mr. Attorney General for Ireland.*)

Question, "That those words be there inserted," put, and *agreed to*.

SIR HERVEY BRUCE, in moving the insertion, at the end of the clause, of the following words:—

"Where labourers are at present in possession, the labourers or tenants may apply to the Court to fix a fair rent,"

said, that although the Bill did do something for one class of tenants, he felt it his duty to bring forward this Amendment in the interest of labourers who were now the tenants of cottages, and paid a higher rent for them than they ought. As the Bill dealt with the present tenants of holdings, he did not see why it should not deal with the present labourer tenants.

Amendment proposed,

In page 13, line 39, after the word "holding," to insert the words "where labourers are at present in possession, the labourers or tenants may apply to the Court to fix a fair rent."—*(Sir Hervey Bruce.)*

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER hoped the hon. Baronet would not press the Amendment, as the Government could not accept it. This was a Bill for settling the occupation of land between landlord and tenant, and they did not profess by its clauses to meet the labourers' question. They meant, however, to take care that by the action of the landlord or tenant the labourers should not be injured, but, if possible, benefited. The Amendment might, as proposed, go a great deal further.

SIR HERVEY BRUCE supposed it would be useless to persevere with the Amendment, and, therefore, asked leave to withdraw it.

MR. ECROYD said, that the labourers of Ireland were the worst treated class, and he was sorry the Government had not seen their way to do something for them. Interference for their protection would be more justifiable than in regard to any other class, while improved dwellings would largely contribute to their content and self-respect.

MR. LALOR said, he was sorry the Government had made up its mind to leave the labourers of Ireland out in the cold. No class in Ireland needed so much protection as the labourers—most of them held their small plots of land at extraordinary high rent, and it was not

fair they should be denied the benefit granted to tenant farmers under the Bill.

MR. VILLIERS STUART regretted that the labourers should be excluded from the protection of the Bill. Hon. Members who were not acquainted with Ireland could not imagine how shamefully rack-rented were many of the agricultural labourers. The noble Lord the Member for Woodstock (Lord Randolph Churchill) had quoted from *The Times* a statement that it was usual in the County Cork to charge at the rate of £12 per acre for allotment land. He himself knew a district where £15 per acre was not an uncommon rent. Of course, such a state of things must lead to a grievous amount of discontent; and it was greatly to be regretted that the Bill did not include the entire agricultural population. He trusted the Government would hold out some hope that something would be done next Session for the class now excluded.

MR. GIVAN said, he must condemn the waste of golden moments on such an untenable proposition.

MR. P. MARTIN said, that the Bill substantially did nothing for the labourers. He urged the Government to give a pledge to deal with the labourers' question next Session.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 20 (Advances to tenants by Commission for purchase of holdings).

LORD GEORGE HAMILTON moved, in page 14, lines 39 and 40, leave out "a fair rent for," and insert "the full letting value of."

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. GLADSTONE said, he was willing to admit that in this clause, as it stood in the first part of the Bill, the language was not accurate or satisfactory, inasmuch as it did not correspond with the language used in Clause 7 about a fair rent. But, undoubtedly, the intention always was the same—namely, that the limit of the sum advanced should be in the proportion of three-fourths, or whatever rent might be fixed under Clause 7. He was sorry it would not be possible to introduce here such a phrase as the "full letting value" of

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the holding, because that would bring a new subject under the view of the Court.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clause 23 (Purchase of estates by Commission, and re-sale in parcels to tenants).

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made, in page 17, line 2, by leaving out from "thereof," to end of clause, and inserting—

"Or may pre-pay any instalments thereof in such manner, and on such terms as is provided by section fifty-one of 'The Landlord and Tenant (Ireland) Act, 1870,' or in such other manner, and on such other terms, as the Treasury may from time to time approve, having regard to the due repayment of the loan and the protection of the Land Commission against loss by the said loan."

Clause, as amended, *agreed to*.

Clause 24 (Sale to public of parcels not purchased by tenants).

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made, in page 17, line 32, by leaving out from the first "the Railways Act (Ireland)," to "Act," in line 34.

Clause, as amended, *agreed to*.

Clause 25 (Terms of repayment of advances made by Commission).

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made in page 18, line 12, by leaving out "sells;" and in page 18, at end, by adding—

"Provided, That, in respect of any holding which is subject to any charge in respect of an annuity in favour of the Board of Works, created in pursuance of 'The Landlord and Tenant (Ireland) Act, 1870,' the said Board may, if they shall see fit, at any time during the continuance of such charge, upon the application of the person for the time being liable to pay the same, declare such holding to be subject to the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favour of the Land Commission; and thenceforth so much of the forty-fourth and forty-fifth sections of the said Landlord and Tenant (Ireland) Act, 1870, as prohibits, without the consent of the Board, the alienation, assignment, sub-division, or sub-letting of a holding charged as in the said section mentioned, and declares that in the event of such prohibition being contravened the holding shall be forfeited to the Board; and also so much of section two of 'The Landlord and Tenant (Ireland) Act, 1872,' as relates to the sale of holdings in lieu of forfeiture, shall, as to the holding in respect of which such a

Mr. Gladstone

declaration has been made, be repealed, and the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favour of the Land Commission shall apply to the holding in respect whereof the said declaration has been made in the same manner as if the said conditions had been made applicable to the said last-mentioned holding by the said Acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-two, and the said Board had thereby been authorized to enforce the said conditions."

Clause, as amended, *agreed to*.

Clause 26 (Reclamation of land).

Mr. BIGGAR proposed, in page 19, lines 3 and 4, leave out "to Companies."

Question proposed, "That the words 'to Companies' stand part of the Bill."

Mr. HEALY suggested that "Companies and others" should be inserted.

Mr. GLADSTONE said, he should oppose the Amendment.

Mr. BIGGAR said, that, seeing that the majority of the House approved of squandering the public money, he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made, in page 19, line 6, after "land," by inserting "or foreshores."

Mr. WARTON proposed, in page 19, line 7, after the word "improvement," to insert the words—

"Provided always, That no advance shall be made to any such Company in respect of any scheme for the reclamation of fewer than fifty acres of land."

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL for IRELAND (Mr. Law) thought the Treasury might be trusted in this matter.

Amendment, by leave, *withdrawn*.

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made, in page 19, line 13, by inserting as a separate paragraph at end of sub-section (2)—

"Any advance to an occupier under this sub-section shall be subject to the provisions of the Landed Property Improvement (Ireland) Act, so far as the Treasury may declare the same to be applicable, and shall have priority over all charges and incumbrances whatever upon the tenancy of such occupier, except rent, unless the landlord is a party to the advance, and agrees to postpone the rent to it; but before

such advance is made one month's previous notice thereof shall be given in a newspaper circulating in the district within which the said holding is situated, and in such other manner as the Board of Works may prescribe; and such advance shall not have priority over any charge or incumbrance of which the Board of Works may have had notice in writing given them before making the advance."

And in page 19, line 19, after "section," insert—

"Nor any advances without proper security that those advances shall be expended for such purposes as aforesaid, in addition to the sums advanced or expended by the company out of their own moneys."

Clause, as amended, *agreed to.*

Clause 27 (Emigration).

MR. PARNELL (on behalf of Mr. HEALY), in moving the omission of the clause, said, that, taking into consideration the very late period of the Session at which they had arrived, he and his Friends did not intend to occupy the House at any length on the subject. He wished to point out that they were very much influenced in confining themselves to one division and a strong protest against the clause by the fact that the clause as it originally stood in the Bill had been very materially modified. As the clause originally stood, it provided that emigration should only take place to Canada and the British Colonies; but they felt firmly convinced that those who did emigrate under the Bill should be perfectly free to select the country themselves. They had also fixed £60,000 as the limit which should not be exceeded in any year in assisting emigration under the clause. These alterations were, of course, from their point of view, very important. In protesting still against the clause as it stood, he should record his opinion against the necessity for such a clause at all. The object of the Bill was professedly to improve the relations between landlord and tenant in Ireland; but had the House and the Government had time to go into the question of emigration, which they had not been able to raise in any but a tentative manner, they would have been able to show the House that there was not the least necessity whatever for emigrating a single human being from Ireland. He could prove by statistics to the full conviction of Members of that House that the population of Ireland was less in

proportion to its area than that of any other country in Europe, and the evidence of Professor Baldwin showed clearly enough that there was a sufficient quantity of fairly improvable land in Ireland, the letting value of which did not exceed 5s. an acre, which might, by a small expenditure per acre, be raised to a letting value of £1 per acre to support all the tenants in Ireland. He had brought forward an Amendment in another portion of the Bill, and he had some hope that the Government would consider the question of giving extended powers to local authorities for the purpose of purchasing land; and he trusted that when they obtained a system of representative county government for Ireland the House would see its way to giving such representative bodies powers which would enable them to improve the industrial resources of the country. It was true that at present they had not in Ireland a sufficiently representative body to undertake this work; and in proposing an Amendment to give such powers to the Boards of Guardians he should say that, as at present constituted, they were unsatisfactory bodies for the discharge of such duties. Before the condition of the congested districts came before the House again he hoped some practical legislation would have taken effect in the direction he had just indicated. In the operation of this Bill he trusted that many of the smaller tenants who had actually cut their holdings out of the bog would obtain suitable reductions of rent, and he considered that on such tenants this Bill would confer greater benefits than on any other; and he hoped that it would be possible, without resorting to emigration, to make these poor people live in their small holdings still longer, until the unoccupied and unreclaimed land had been brought into a state of cultivation, and he hoped the Government would not find it necessary to spend one single penny on emigration. Emigration went against every feeling in the Irish character, and it was associated with many of the most painful, deplorable recollections in the history of the country. They believed there was no necessity whatever for the departure from their country of one single man or woman or child; and he trusted that in the division about to be taken they would show the

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Prime Minister and the Chancellor of the Duchy of Lancaster that the majority of the Irish Representatives were against the proposed legislation. He begged to move the rejection of the clause.

Amendment proposed, in page 19, line 33, leave out Clause 27.—(*Mr. Parnell.*)

Question proposed, "That the words 'The Land Commissioners may from time to time' stand part of the Bill."

MR. GLADSTONE said, he accepted thankfully the assurance of the hon. Gentleman and his Friends that they did not think it necessary to revive the prolonged discussions upon this question that took place in Committee. He thought it necessary, however, to say to the hon. Gentleman that he certainly misunderstood the effect of the clause as it was first introduced—although he would admit it had been improved in its wording—as it was devised entirely for the purpose of insuring that emigration should be carried out in any quarter of the globe without any restriction whatever. The Government acceded very freely to the limitation of the money, as they did not believe that wholesale proceedings would or ought to arise under this clause. He should point out, in conclusion, that the Government had acceded willingly to the Amendment which limited the operation of the clause, and which rendered it necessary that they should again apply to that House and obtain its consent before any extension of the powers granted by the clause could be obtained. He need only say that the Government would adhere to the clause as it stood.

Question put.

The House divided:—Ayes 238; Noes 37: Majority 201.—(Div. List, No. 338.)

Amendment proposed, in page 19, line 41, after the word "families," to insert the words "and poor persons."—(*Mr. Warton.*)

Question, "That those words be there inserted," put, and *negatived*.

MR. ECROYD, in moving, in page 19, line 42, after the word "Ireland," to insert the words "to any British Colony or Dependency," said, he must protest against employment of taxes raised from the English population for

the purpose of sending emigrants to a country where they would not be allowed to be customers for British manufacturers.

Amendment proposed,

In page 19, line 42, after the word "Ireland," to insert the words "to any British colony and dependency."—(*Mr. Ecroyd.*)

Question proposed, "That those words be there inserted."

MR. PARNELL said, he wished to point out to the hon. Member who had just sat down that it was the English Members who were doing this, and not the Irish Members. As a proof of that, he would mention the fact that in the division which had just taken place 34 Irish Members voted against the clause, and only 22 of all sections voted in its favour. It had been stated on a previous occasion by the right hon. Gentleman the Chancellor of the Duchy of Lancaster that they dared not take a division against the clause; and since he had expressed that opinion a majority of Irish Members had twice voted against it. He reminded the Prime Minister of his declaration that, in including or striking out the Emigration Clause, he would be guided by the preponderating view of Irish Members; and he therefore asked that the Prime Minister, having regard to the opinion of the majority of Irish Members, would have this clause struck out in the House of Lords.

LORD JOHN MANNERS said, that 34 was not a majority of the Irish Members.

MR. PARNELL explained what he meant was that a majority of the Irish Members voting had opposed the clause.

MR. GLADSTONE said, he trusted their time would not be occupied in such discussions. The majority of the Irish Members were in favour of the clause, and he therefore hoped they would hear no more of this boasted Irish majority.

MR. A. M'ARTHUR wished to enter his protest against the alteration of the clause, which limited the assistance given to persons emigrating to British Colonies, and said he sympathized very much with the Mover of this Amendment.

Question put, and *negatived*.

Clause *agreed to*.

Clause 33A (Exceptional provisions for certain officers).

*Mr. Parnell*

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law), Amendment made, in page 34, line 32, after "1877," by inserting—

"And also to Clerks of the Crown and Peace who, under the provisions of the sixteenth section of the said Act have elected to continue to practise as solicitors."

In page 34, line 36, by leaving out paragraph from "Every," to "office," in page 35, line 9, both inclusive; and in page 35, line 14, by leaving out from "and until," to "twenty-one," in line 15, both inclusive.

Clause, as amended, *agreed to*.

Clause 35 (Constitution of Land Commission).

MR. W. H. SMITH, in moving, in page 23, line 40, after the word "Act," to insert the words—

"Provided always, That in case at any time after the expiration of a period of six years from the passing of this Act a Commission shall have been issued by Her Majesty under Her Royal Sign Manual to ascertain and report whether the business of the Land Commission makes it requisite or not requisite that, after the expiration of the said period of seven years from the passing of this Act, there should be, in addition to the Judicial Commissioner, one or two other Commissioners; and, in case such Commission shall report that the business of the Land Commission makes it requisite that there should be, in addition to the Judicial Commissioner, one or two other Commissioners, and that such other Commissioner or Commissioners should be appointed for a period to be stated by such Commission. In such report Her Majesty may by Warrant under the Royal Sign Manual from time to time appoint some fit person or fit persons to be such other Commissioner or Commissioners to hold office during the period stated in such report.

"If such Commission report that the business of the Land Commission does not require that there should be any Commissioner in addition to the Judicial Commissioner, then upon the expiration of the said period of seven years after the passing of this Act, all the jurisdiction, powers, privileges, and authorities by this Act conferred upon the Land Commission shall thereafter be exercisable and enjoyable by the Judicial Commissioner alone,"

said, that the provision at present embodied in the measure lacked the element of stability, for, if it were preserved unchanged, the Land Commission must come to an end after a period of seven years, when it would be necessary, supposing the continuance of the Commission to be desirable, to make fresh applications to Parliament. It was undesirable that there should be repeated

applications to Parliament on this subject, if they could be avoided; and he thought the difficulty which would arise if the Land Commission had not completed its work within the time for which it was to be appointed would be best obviated by his proposal.

Amendment proposed,

In page 23, line 40, after the word "Act," to insert the words—"Provided always, That in case at any time after the expiration of a period of six years from the passing of this Act a Commission shall have been issued by Her Majesty under Her Royal Sign Manual to ascertain and report whether the business of the Land Commission makes it requisite or not requisite that, after the expiration of the said period of seven years from the passing of this Act, there should be, in addition to the Judicial Commissioner, one or two other Commissioners; and, in case such Commission shall report that the business of the Land Commission makes it requisite that there should be, in addition to the Judicial Commissioner, one or two other Commissioners, and that such other Commissioner or Commissioners should be appointed for a period to be stated by such Commission. In such report Her Majesty may by Warrant under the Royal Sign Manual from time to time appoint some fit person or fit persons to be such other Commissioner or Commissioners to hold office during the period stated in such report.

"If such Commission report that the business of the Land Commission does not require that there should be any Commissioner in addition to the Judicial Commissioner, then upon the expiration of the said period of seven years after the passing of this Act, all the jurisdiction, powers, privileges, and authorities by this Act conferred upon the Land Commission shall thereafter be exercisable and enjoyable by the Judicial Commissioner alone."—(Mr. William Henry Smith.)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he regretted that the House generally had not had an opportunity of carefully considering this Amendment; but he and his Colleagues had had that opportunity, and he was bound to say that he felt indebted to the right hon. Gentleman for his suggestion. The Government were extremely desirous to avoid the risk of having an unnecessary number of offices and officers, and they also wished that there should be an opportunity of calling in the discretion of Parliament, as opposed to granting unlimited discretion to the Executive Government. Upon the whole, the Amendment was a prudent provision, and the Government were prepared to accept it. The creation of a Royal Commission in accordance with the views of the right hon.

[Second Night.]



Gentleman would do away with the necessity, which the Government would otherwise be under, of applying to Parliament for fresh powers at the end of seven years.

MR. PARNELL said, as the House had not had an opportunity of considering this Amendment, and those hon. Members who sat round him were not quite clear as to its meaning, he thought it would be better if the Government would adjourn this discussion until the Amendment was in print. The matter was too important to be disposed of hurriedly; and, as the ordinary time for adjournment had almost arrived, he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—  
(*Mr. Parnell.*)

MR. GIBSON said, the Amendment contained nothing suspicious whatever. His right hon. Friend thought on the termination of seven years to prevent what might be a deadlock, by enabling the Government in the last year to appoint a Royal Commission to consider the whole state of the business under the Commissioners, and to recommend, after due inquiry, whether one Commissioner or two should be appointed. He must add that the Amendment would merely restore to the Bill the meaning of provisions originally contained in it with regard to the durability of the Commission. The Amendment would obviate the possibility of jobbery and prevent the multiplication of offices.

MR. SHAW said, he saw no reason for objecting to the Amendment. It would never do, at the expiration of the seven years for which two of the Commissioners were appointed, to allow the whole business of the Commission to come to a deadlock, and such a contingency would be prevented by the adoption of the Amendment. At the same time, it would be a good thing to postpone the consideration of the Amendment, in order that hon. Members might have an opportunity of thoroughly understanding it. He would, however, suggest that the Amendment should be inserted in the Bill when it got to "another place," and be dealt with afterwards by the House of Commons.

SIR JOSEPH M'KENNA said, he strongly objected to this Amendment

being sprung upon the House at the eleventh hour. Such a provision might have a tendency to paralyze and minimize the action of the Commissioners, two of whom would have a species of notice that it was contemplated to get rid of them as soon as possible.

MR. SPEAKER: It appears to me very doubtful whether, at this stage of the Bill, a proposal of this kind can be considered by the House. Certainly, it does involve a possible charge on the Exchequer, and any proposition of that character should be brought forward in Committee. The balance of my opinion is decidedly adverse to the regularity of the proceeding.

MR. GLADSTONE hoped the right hon. Gentleman would not press this proposal under these circumstances, because the Government could not think of attempting to press or carry it by a mere majority.

MR. W. H. SMITH said, that, after what had fallen from Mr. Speaker, it would be out of the question to persevere with the Amendment at this stage; but it was so important that he gave Notice that he would move to re-commit the Bill with a view of having it inserted.

MR. GLADSTONE said, that, however favourably they viewed the Amendment, he could not undertake to be a party to such a course.

MR. GIBSON said, he was of opinion that the Amendment did not involve the question of a charge upon the Exchequer, there being no words in it referring to the salaries of the Commissioners.

MR. GLADSTONE said, he did not think the argument of the right hon. and learned Gentleman relieved them of the difficulty in which they were.

SIR STAFFORD NORTHCOTE pointed out that if the suggestion of his right hon. Friend really partook of the character which had been ascribed to it by the Speaker, it followed that it was a provision which could not be introduced into the Bill in the House of Lords; and if nothing were done they would be under the necessity of having another Land Bill at the end of seven years. The only way of solving the present difficulty would be by re-committing the Bill; and as they had made great progress that afternoon, the Motion for the third reading might not

*Mr. Gladstone*

unreasonably be expected to-morrow, when the step contemplated by his right hon. Friend could be taken with advantage.

Motion, and Amendment, by leave, *withdrawn*.

SIR WALTER B. BARTELOT said, he would again impress upon the Government the necessity of giving some more specific and definite information as to their determination with regard to the functions of the Assistant Commissioners. It was a matter of the utmost importance to Ireland, and absolutely necessary that information should be given as to the numbers and the class of persons to be appointed. They would have most important functions to perform, and it was not desirable to leave the House in the dark on the subject.

MR. GLADSTONE said, it was impossible to fix the number of Commissioners, because they did not know what the work would be. As to the choice of individuals, it would be a breach of duty for the Government to do so without consulting the Commission, and the Commission could not exist until the Act had passed.

MR. PARNELL inquired whether the Commission would have power, pending an application for a judicial rent, to stay proceedings which a landlord might take under a writ of *fi fa*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could not stop a landlord from proceeding like any ordinary creditor.

Clause *agreed to*.

Clause 41 (Powers of the Commission).

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. LAW), Amendment made in page 25, line 16, by leaving out from "for the purposes of this Act," to "High Court," in line 18, inclusive, and altering the numbers of the succeeding paragraphs.

SIR HERVEY BRUCE moved the omission of sub-section 2.

Amendment proposed, in page 25, line 19, to leave out from the word "for," to the word "Court," in line 24.—(Sir Hervey Bruce.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not agree to this, because this sub-section was, in the opinion of the Government, essential to the Bill.

Amendment, by leave, *withdrawn*.

Clause 43 (Rules for carrying Act into effect).

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. LAW), Amendment made, in page 27, line 24, by leaving out from "the mode of service," to "judicial rent," in line 25 inclusive, and inserting—

"The attendance and discharge of duties of the Civil Bill Courts before the Land Commission and Sub-Commissioners when holding sittings under this Act."

Clause, as amended, *agreed to*.

Clause 44 (Service of civil bill processes and limitation of costs).

Amendment proposed, in page 28, lines 2 and 3, to leave out the words "and for recovery of rent."—(Mr. Healy.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 28, line 8, after the word "when-ever," to insert the words "after the making of such rules and orders."—(Mr. Gibson.)

Question, "That those words be there inserted," put, and *negatived*.

Amendment proposed, in page 28, line 8, after the word "action," to insert the words "for the recovery of rent or."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

MR. TOTTENHAM said, as this matter was of great importance, he moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Tottenham.)

MR. GLADSTONE said, the Government proposed to take the further consideration of the Bill on Report as the first Business to-morrow (Thursday). Assuming that only a limited portion of the Sitting would be required for that purpose, and that there would be a general acceptance by the House of the

[Second Night.]

Amendment of the right hon. Gentleman (Mr. W. H. Smith), who proposed the re-committal of the Bill for the consideration of his proposal, it was not improbable that these preliminary proceedings would be got over at an early hour. If so, the Government would wish to proceed to move the third reading of the Bill the same evening.

SIR STAFFORD NORTHCOTE thought there would be a general disposition to forward Business, and if the stage of the third reading were reached at a reasonable hour, giving opportunity for some observations that would naturally be made, there would be no objection to the course proposed by the Prime Minister.

It being a quarter of an hour before Six of the clock, further Proceeding on Consideration of the Bill, as amended, stood adjourned till *To-morrow*.

### M O T I O N.

#### INFECTIOUS DISEASES (NOTIFICATION) BILL.

On Motion of Mr. HASTINGS, Bill for the better Notification of Infectious Diseases, *ordered* to be brought in by Mr. HASTINGS, Sir TREVOR LAWRENCE, Dr. FARQUHARSON, and Mr. BRINTON.

Bill *presented*, and read the first time. [Bill 229.]

House adjourned at five minutes before Six o'clock.

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When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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(*The Earl of Dalhousie*)

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(*The Earl of Dalhousie*)

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**Local Government Provisional Orders (Askern), &c. Bill**

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*l.* Royal Assent July 18 [44 & 45 Vict. c. xviii]

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(*The Lord Chancellor*)

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- c. Read 2<sup>o</sup> \* July 15 [Bill 196]  
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l. Read 1<sup>o</sup> \* (*The Earl of Dalhousie*) July 19  
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- c. Read 2<sup>o</sup>, after short debate July 18, 1226

[Bill 204]

Order for Committee read; Moved, "That *Mr. Speaker* do now leave the Chair" July 22, 1723

Amendt. to leave out from "That" and add "the Bill be referred to a Select Committee" (*Mr. Monk*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Main Question, "That *Mr. Speaker, &c.*," put, and agreed to; Committee; Report

Question, *Mr. Monk*; Answer, *Mr. Speaker* July 25, 1754

Moved, "That the Bill be now considered" July 25, 1880

Amendt. to leave out "now considered," and insert "referred to a Select Committee to be nominated by the Committee of Selection

[cont.]

**Metropolitan Board of Works (Money) Bill—cont.**

in like manner as Private Bills" (*Mr. Monk*); Question proposed, "That 'now considered,' &c.;" after short debate, Question put, and agreed to

Main Question put, and agreed to; Bill considered

Read 3<sup>o</sup> \* July 26

**Metropolitan Open Spaces Act (1877) Amendment Bill**

(*Mr. Walter James, Mr. Bryce*)

- c. Considered \* July 11 [Bill 9]

Read 3<sup>o</sup> \* July 12

- l. Read 1<sup>o</sup> \* (*Lord Mount Temple*) July 14 (No. 164)

**MIDLETON, Viscount**

*Union of Benefices (City of London)*, Motion for an Address, 485

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*Pre cognitions (Scotland)*, Motion for Returns, 342, 343

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*Law and Justice (Ireland)—Disposal of Petty Sessions' Fines for Drunkenness at Tullamore*, 833

**MONK, Mr. C. J., *Gloucester City***

*French General Tariff, The New*, 44, 258  
*Incumbents of Benefices Loans Extension*, 2R. 1231, 1232

*Metropolis—St. James's Park—Damage to the Trees*, 1133

*Metropolitan Board of Works (Money)*, 2R. 1227; Comm. 1723, 1727; cl. 11, Amendt. 1729, 1754; Consid. Amendt. 1881

**MOORE, Mr. A. J., *Clonmel***

*Army—Army Hospital Corps*, 846  
*Auxiliary Forces—Worcester Militia*, 1123  
*Land Law (Ireland)*, Comm. cl. 19, 302; cl. 20, 400; cl. 26, 789, 818, 889, 921; cl. 31, 1018, 1023; cl. 45, 1177; cl. 46, 1290; add. cl. 1491, 1512, 1518, 1519, 1701, 1714

*Post Office (Ireland)—Mail Trains to the South and West—Stoppage at Thurles*, 240

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*Africa (West Coast)—Mortality at the Gold Coast*, 492

*Army—Deaths by Sunstroke at Aldershot*, 2, 209

**MOUNT EDGUMBE, Earl of**

*Metalliferous Mines — Inspectors' Reports*, 1880, 1250

**MULHOLLAND, Mr. J., *Downpatrick***

*Land Law (Ireland)*, Comm. cl. 9, 121; cl. 26, 731, 818; cl. 36, 1044, 1055; cl. 42, 1091, 1100; cl. 44, 1159; cl. 45, 1182; Amendt. 1184; cl. 46, 1280, 1284; add. cl. 1338, 1366

**MUNDELLA**, Right Hon. A. J. (Vice President of the Committee of Council on Education), *Sheffield*  
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 Education Department—Voluntary Schools, 1744  
 Educational Endowments (Scotland)—Shaw's Hospital, 1609  
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**Naval Discipline Act Amendment Bill**  
 (Mr. Trevelyan, Mr. Brassey)

*c. Flogging*, Question, Sir John Hay; Answer, Mr. Trevelyan July 11, 504  
 Bill withdrawn \* July 12 [Bill 52]

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*Dockyard Establishment, Gibraltar*, Question, Sir John Hay; Answer, Mr. Trevelyan July 22, 1610  
*Fitters in Her Majesty's Dockyards*, Question, Sir H. Drummond Wolff; Answer, Mr. Broadhurst July 19, 1270  
*H.M.S. "Mutine" and "Espiegle,"* Question, Mr. Broadhurst; Answer, Mr. Trevelyan July 14, 841  
*H.M.S. "Polyphemus,"* Question, Mr. Broadhurst; Answer, Mr. Trevelyan July 14, 841  
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*Powder Magazines in the Mersey*, Question, Mr. Summers; Answer, Mr. Trevelyan July 25, 1741  
*Retired Chief Gunners, &c.*, Question, Sir H. Drummond Wolff; Answer, Mr. Trevelyan July 25, 1746  
*The French and English Fleets in the Mediterranean*, Question, Sir John Hay; Answer, Mr. Trevelyan July 14, 842  
*The Royal Marines—The Order of the Bath*, Question, Mr. Lewis; Answer, Mr. Trevelyan July 7, 231

**NEWDEGATE**, Mr. C. N., *Warwickshire, N.*  
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(The Earl of Dunraven)

l. Royal Assent July 18 [44 & 45 Vict. c. 19]

*Nicaragua—Award of the Emperor of Austria*

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**NOLAN**, Major J. P., *Galway Co.*

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**NORTHOOTE**, Right Hon. Sir S. H., *Devon, N.*

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**NORTHOOTE**, Mr. H. S., *Exeter*

France—Mobilization of an Army Corps, 501

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**O'BEIRNE**, Major F., *Leitrim*

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**O'BRIEN**, Sir P., *King's Co.*

Land Law (Ireland), Comm. cl. 26, 822, 834; cl. 40, 1077; Postponed cl. 34, 1406

**O'CONNOR, Mr. A., *Queen's Co.***

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**O'CONOR, Mr. D. M., *Sligo Co.***

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**O'DONNELL, Mr. F. H., *Dungarvan***

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**O'DONOGHUE, The, *Tralee***

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**O'KELLY, Mr. J., *Roscommon***

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**ONSLOW, Mr. D. R., *Guildford***

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**O'SHAUGHNESSY, Mr. R., *Limerick***

Land Law (Ireland), Comm. *cl.* 13, 153; *cl.* 23, 410; *cl.* 24, 461; *cl.* 25, 467, 552; *cl.* 26, 735, 737, 776, 777, 794, 885; Consid. *add. cl.* 1910  
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**O'SHEA, Mr. W. H., *Clare***

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**O'SULLIVAN, Mr. W. H., *Limerick Co.***

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OTWAY, Mr. A. J., *Rochester*

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O'Donnell; Answers, Mr. Trevelyan July 18,  
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*Pacific Islanders Protection Act, 1872—  
Jurisdiction of Sir Arthur Gordon*

Question, Mr. Gorat; Answer, Mr. Trevelyan  
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PAGET, Mr. R. H., *Somersetshire, Mid*

Parliament—Business of the House, Ministerial  
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Petroleum (Hawking), Comm. 1967

PALLISER, Sir W., *Taunton*

Land Law (Ireland), Comm. Postponed *cl.* 34,  
1416; *add. cl.* 1705, 1709, 1710

Landlord and Tenant (Ireland) Act, 1870—  
The Bessborough Commission—Report and  
Evidence, 832, 864, 1122, 1459, 1460, 1468

PALMER, Mr. G., *Reading*

Africa (South)—Natal—Promised Liberation  
of Langalibalele, 840

PALMER, Mr. J. H., *Lincoln*

Land Law (Ireland), Comm. *cl.* 13, 182, 183,  
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PARKER, Mr. O. S., *Perth*

Land Law (Ireland), Comm. *cl.* 26, 773

## Parliament

### LORDS—

*Parliament—Claims of Peerage, &c.*

Moved, that a Select Committee be appointed to inquire into the present state of the law as to claims and assumptions of titles of peerage in the United Kingdom and in Scotland and Ireland respectively, and the means of proving and establishing the same; and as to the proceedings and claims to vote at elections of Representative Peers of Scotland and Ireland respectively; and as to the position and order of precedence of Scotch peerages upon the Roll called the Union Roll, and in the Decree of Ranking of 1606; and whether it is desirable that the present state of law or practice as to any of the matters aforesaid should be amended; And also to inquire into the present procedure and practice of this House in its Committee of Privileges; and whether such procedure and practice can be amended so as to diminish the delay and expense incident to the determination of claims of peerage and claims to vote at elections of Representative Peers of Scotland and Ireland respectively (*The Earl of Airlie*) July 8, 344

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*Parliament—Claims of Peerage, &c.—cont.*

Amend. To leave out ("and as to the position of order of precedence of Scotch peerages upon the Roll called the Union Roll, and in the Decree of Ranking of 1606") (*The Lord Balfour of Burleigh*); after short debate, on question, that the words, &c., resolved in the negative; motion, as amended, agreed to

Select Committee nominated; List of the Committee July 14, 832

## COMMONS—

### MISCELLANEOUS QUESTIONS

#### Order

*Debate—Un-Parliamentary Language—England and Servia*, Notice of Question, Lord Randolph Churchill; short debate thereon July 21, 1449

*Threatening a Member*, Questions, Observations, Mr. Mac Ivar; Reply, Mr. Speaker; Personal Explanation, Mr. Lyulph Stanley July 5, 50

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*Petitions—The Bradlaugh Petitions*, Question, Mr. Newdegate; Answer, Mr. Speaker July 15, 1011; Question, Mr. Warton; Answer, Sir William Harcourt July 26, 1897

*Questions*, Question, Mr. Labouchere; Answer, Mr. Speaker July 15, 1012

*Answers to Questions*, Question, Mr. Gorat; Answer, Mr. Gladstone July 7, 253

*Parliamentary Oath (Mr. Bradlaugh)—The Order of 10th May*, Question, Colonel Makins; Answer, Mr. Speaker; short debate thereon July 5, 45

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### Privilege

"*Clarke v. Bradlaugh*," Questions, Mr. Labouchere, Sir Joseph McKenna; Answers, Mr. Speaker July 21, 1476

*Adjournment—Orders of the Day—Entries on Notice Paper*, Question, Mr. Warton; Answer, Mr. Speaker July 5, 139

### Business of the House and Public Business

Question, Mr. Stevenson; Answer, Mr. Gladstone July 5, 29;—*The Beer Bill*, Question, Colonel Barne; Answer, Mr. Gladstone July 7, 267;—Questions, Mr. Dillwyn, Colonel Barne; Answers, Mr. Gladstone July 7, 269;—*Urgency*, Question, Mr. Fay; Answer, Mr. Gladstone July 15, 1007;—Ministerial Statement, Mr. Gladstone; short debate thereon July 18, 1204; Question, Mr. R. N. Fowler; Answer, Mr. Gladstone; short debate thereon July 19, 1265;—*Commencement of Public Business*, Questions, Earl Percy, Mr. Healy, Sir George Campbell; Answers, Mr. Gladstone July 19, 1271;—Questions, Sir Stafford Northcote; Answers, Mr. Gladstone July 21, 1475; Questions, Sir Walter B. Barttelot, Mr. W. H. Smith; Answers, Mr. Childers, Mr. Trevelyan July 22, 1618

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PARLIAMENT—COMMONS—*cont.*

*Parliamentary Elections Acts—The Election Commissions—Expenses*, Question, Mr. H. H. Fowler; Answer, Lord Frederick Cavendish July 11, 504  
*Registration and Qualification of Voters*, Questions, Mr. Puleston, Sir Joseph M'Kenna; Answers, Sir William Harcourt July 19, 1263  
*Election Petitions—Scheduled Persons*, Question, Mr. Warton; Answer, The Attorney General July 25, 1745

*Parliament—Business of the House*

Moved, "That the Orders of the Day be postponed until after the Notice of Motion relating to the Transvaal" (*Mr. Gladstone*) July 25; Motion agreed to

PARLIAMENT—HOUSE OF LORDS

*New Peer*

July 5—The Right Honourable Sir Odo William Leopold Russell (commonly called Lord Odo William Leopold Russell), G.C.B., G.C.M.G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of Germany, created Baron Amphil of Amphil in the county of Bedford

PARLIAMENT—HOUSE OF COMMONS

*New Member Sworn*

July 18—Alexander Asher, esquire, *Elgin District of Burghs*

**Parliamentary Elections and Corrupt Practices (Consolidation) Bill**

(*Mr. Harcastle, Sir Alexander Gordon*)

c. Bill withdrawn \* July 26 [Bill 176]

**Parliamentary Elections (Corrupt and Illegal Practices) Bill**

(*Mr. Attorney General, Sir William Harcourt, Mr. Chamberlain, Sir Charles W. Dilke, Mr. Solicitor General*)

c. Order for 2R. discharged; Bill withdrawn, after short debate July 11, 621 [Bill 1]

**Parliamentary Elections (Expenses and Second Election) Bill**

(*Mr. Ashton Dilke, Mr. Barran, Mr. Burt*)

c. Bill withdrawn \* July 12 [Bill 93]

*Parliamentary Oaths Bill*

Notice of Question, Colonel Makins; Answer, Mr. Gladstone July 25, 1755

**Parliamentary Revision (Dublin County) Bill**

(*Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)

, Ordered; read 1<sup>o</sup> July 8 [Bill 208]

**PARNELL, Mr. O. S., Cork**

*Ireland—Miscellaneous Questions*

Magistracy—Mr. Clifford Lloyd, R.M., 639, 1611, 1612

Protection of Person and Property Act, 1881—Arrests in Cork, 511

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Ireland, State of—Down Conservative Flute Band, 838

Land Law (Ireland)—Emigration Clause, 863, 864;—Mr. Parnell, Explanation, 532, 534

Land Law (Ireland), Comm. cl. 9, 105, 106; cl. 19, 317; cl. 20, 389, 393; cl. 22, 449;

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Amendt. 561, 562, 565, 592; Motion for reporting Progress, 610, 612, 614, 672;

cl. 26, 729, 730, 738, 747, 748, 869, 877, 883, 886, 899, 900, 904, 920, 921, 922, 925,

931, 945, 954; Amendt. 957, 958, 960, 962, 963, 974, 975, 977; cl. 42, 1091, 1099, 1146;

cl. 47, 1333; add. cl. 1433, 1444, 1483, 1484; Amendt. 1523, 1527, 1536, 1578,

1588, 1650, 1655, 1657, 1660; Consid. add. cl. 1906; cl. 4, Amendt. 1923, 1925,

1926, 1928, 1929; cl. 7, 1966, 1975; Amendt. 1985; cl. 27, Amendt. 1997, 2000;

cl. 35, 2003, 2005

**PATRICK, Mr. R. W. COCHRAN-, Ayrshire, N.**

*Army Organization—Quartermasters*, 851

Land Law (Ireland), Comm. cl. 25, Amendt. 580, 587

**Patriotic Fund Bill [H.L.]**

(*The Earl of Northbrook*)

l. Presented; read 1<sup>o</sup> \* July 25 (No. 183)

**PEASE, Mr. J. W., Durham, S.**

Ireland, State of—"English Democratic Confederation," 1005

Land Law (Ireland), Comm. cl. 25, 645, 652

**PEDDIE, Mr. J. DICK-, Kilmarnock, &c.**

Court of Session (Scotland)—Admission of Reporters, 20

Poor Relief and Audit of Accounts (Scotland), 2R. 340

Removal Terms (Scotland), Comm. 1601

Summary Procedure (Scotland) Amendment, 2R. 1230, 1231

**Pedlars (Certificates) Bill [H.L.]**

(*The Earl of Dalhousie*)

l. Presented; read 1<sup>o</sup> \* July 14 (No. 163)

Read 2<sup>o</sup> July 26, 1890

**PEEK, Sir H. W., Surrey, Mid.**

Metropolis—Parochial Charities of the City of London, 1749



**PELL, Mr. A., Leicestershire, S.**

Land Law (Ireland), Comm. *cl.* 25, 573, 578;  
*add. cl.* 1581  
Rivers Conservancy and Floods Prevention,  
Comm. 1591

**PERCY, Right Hon. Earl, Northumber-  
land, N.**

Land Law (Ireland), Comm. *cl.* 46, 1202  
Parliament — Business of the House, 1271;  
Ministerial Statement, 1207  
Poor Relief and Audit of Accounts (Scotland),  
Addition to Select Committee, 1366  
Removal Terms (Scotland), Comm. 1601, 1603  
Rivers Conservancy and Floods Prevention,  
Comm. 1230

**Petroleum (Hawking) Bill [H.L.]**

(*The Earl of Dalhousie*)

- l. Read 2<sup>a</sup> \* July 7 (No. 139)
- Committee \*; Report July 14
- Read 3<sup>a</sup> \* July 19
- c. Read 1<sup>a</sup> \* (*Mr. Courtney*) July 21 [Bill 222]
- Read 2<sup>a</sup> \* July 25, 1880
- Order for Committee read; Moved, "That Mr.  
Speaker do now leave the Chair" July 26,  
1880; Moved, "That the Debate be now  
adjourned" (*Mr. Hopwood*); after short  
debate, Motion withdrawn
- Original Question, "That Mr. Speaker, &c."  
put, and agreed to; Committee—*r.p.*

**Pier and Harbour Orders Confirmation,  
consolidated with the Pier and Harbour  
Orders Confirmation (No. 2) Bill**

- l. Read 2<sup>a</sup> \* July 5 (No. 122)
- Committee \* July 7
- Report \* July 8
- Read 3<sup>a</sup> \* July 11
- Royal Assent July 18 [44 & 45 Vict. c. civ]

**PLAYFAIR, Right Hon. Mr. Lyon**  
(Chairman of Committees of Ways  
and Means and Deputy Speaker),  
*Edinburgh and St. Andrew's Uni-  
versities*

Land Law (Ireland), Comm. *cl.* 7, 53, 54, 56,  
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*cl.* 36, 1035, 1042, 1047, 1050; *cl.* 39, 1059,  
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*cl.* 42, 1141, 1142; *cl.* 43, 1148; *cl.* 46,  
1189, 1190, 1191, 1201, 1202, 1203; *cl.* 47,  
1295, 1302, 1314, 1318, 1361; Postponed  
*cl.* 12, 1375; *cl.* 34, 1409, 1421; *add. cl.*

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**PLAYFAIR, Right Hon. Mr. Lyon—cont.**

1430, 1438, 1491, 1510, 1511, 1515, 1644,  
1652, 1653, 1654, 1657, 1674, 1676, 1713,  
1714, 1715, 1722

**PLUNKET, Right Hon. D. R., Dublin  
University**

Land Law (Ireland), Comm. *cl.* 9, 98, 100,  
101; Amendt. 102, 105, 109; *cl.* 13,  
Amendt. 174, 175; *cl.* 17, Amendt. 276,  
279; *cl.* 26, 785, 786; *cl.* 31, 1027; *cl.* 39,  
Amendt. 1083, 1084, 1085; *cl.* 40, Amendt.  
1070, 1073, 1078; *cl.* 41, 1084; *cl.* 42,  
1088; *cl.* 45, 1178; *cl.* 46, 1282; *cl.* 47,  
1340; Consid. *add. cl.* 1906; *cl.* 4, Amendt.  
1922; *cl.* 6, 1935

**Poor Allotments Management Act, 1873—  
Allotment Committee**

Question, Mr. Holland; Answer, Sir William  
Harcourt July 14, 849

**Poor Law Officers (Scotland) Superan-  
nation Bill** (*The Lord Advocate,  
Secretary Sir William Harcourt*)

- c. Bill withdrawn \* July 7 [Bill 113]

**Poor Relief and Audit of Accounts (Scot-  
land) Bill** (*The Lord Advocate, Mr.  
Solicitor General for Scotland*)

- c. Read 2<sup>a</sup>, and committed to a Select Committee,  
after short debate July 7, 340 [Bill 182]
- Moved, "That the Select Committee do consist  
of Nineteen Members" July 12, 754; Moved,  
"That the Debate be now adjourned"  
(*Colonel Alexander*); after short debate,  
Motion withdrawn
- Original Question put, and agreed to; Com-  
mittee nominated; List of the Committee,  
760
- Sir Edward Colebrooke and Mr. Arthur  
Balfour added July 19, 1366

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*Post Office Savings Banks—Female Clerks*,  
Question, Mr. O'Connor Power; Answer, Mr.  
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**Telegraph Department**

*Submarine Cables*, Question, Mr. Laing; An-  
swer, Lord Frederick Cavendish July 21,  
1462

*Telegraph Acts, 1863, 1868, and 1878—Tele-  
graph Wires over Public Thoroughfares*,  
Question, Sir Henry Tyler; Answer, The  
Attorney General July 8, 362; Questions,  
Mr. W. H. Smith; Answers, The Attorney  
General July 11, 527; July 22, 1614

*Transferred Telegraph Clerks*, Question, Mr.  
Dillwyn; Answer, Lord Frederick Caven-  
dish July 14, 850

**Post Office (Land) Bill**

(*The Lord Thurlow*)

- l. Royal Assent July 18 [44 & 45 Vict. c. 20]

**Potato Crop Committee, 1880**

Moved, "That, in the opinion of this House, it is expedient that Her Majesty's Government should take steps to carry into effect such of the recommendations of the Potato Crop Committee of 1880 as relate to Ireland, by promoting the creation and establishment of new varieties of the Potato; by facilitating the progress of further experiments as to the best means of lessening the spread of the Potato Disease; and by bringing within the reach of small farmers supplies of sound seed to be obtained for cash payments" (*Major Nolan*) July 19, 1882

After short debate, Amendt. to leave out from "Disease" to end (*Mr. Denis O'Connor*); Question proposed, "That the words, &c.;" after further short debate, Amendt. and Motion withdrawn

Resolved, That, in the opinion of this House, it is expedient that Her Majesty's Government should take steps to carry into effect such of the recommendations of the Potato Crop Committee of 1880 as relate to Ireland, by facilitating the progress of further experiments as to the best means of lessening the spread of the Potato Disease, and promoting the creation and establishment of new varieties of the Potato (*Mr. William Edward Forster*) July 20

**POWER, Mr. J. O'Connor, Mayo**

Ireland—Miscellaneous Questions

Post Office—Telegraph Service—Post Office

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Protection of Person and Property Act,

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Seeds Act, 1880—Postponement of Special Rate, 851

Land Law (Ireland), Comm. cl. 25, 568, 569, 573, 594, 596, 601, 603, 605, 615, 652, 661, 662; cl. 26, 738; cl. 31, 1019, 1021

**POWER, Mr. R., Waterford**

Land Law (Ireland)—Emigration Clause, 862

Land Law (Ireland), Comm. cl. 25, 615; cl. 26, 729, 745, 874, 884, 894, 905, 924, 925, 929; Amendt. 939, 975; add. cl. Amendt. 1644, 1649, 1655

Protection of Person and Property (Ireland) Act, 1881—City of Waterford, 844

Crime and Outrage—Co. of Waterford, 641

**POWERSCOURT, Viscount**

Water Supply (Metropolis), 1247

**POWIS, Earl of**

Supreme Court of Judicature, 2R. 632; Comm. cl. 15, Amendt. 1241, 1242

**Presumption of Life (Scotland) Bill**

(*The Lord Watson*)

l. Read 2<sup>a</sup>, after short debate July 11, 496 (No. 142)

**PRICE, Captain G. E., Devonport**

Newfoundland Fisheries—Anglo-French Commission, 1457

**Protection of Person and Property (Ireland) Act, 1881—See under Ireland**

**Public Health**

*The Hop-Picking Season—Small-Pox*, Question, Mr. J. G. Talbot; Answer, Mr. Dodson July 26, 1896

*The Wool Sorters' Disease*, Question, Mr. Wilbraham Egerton; Answer, Mr. Mundella July 26, 1746

**Public Houses (Closing on Sunday) Bill**

(*Mr. Pease, Viscount Castlereagh*)

c. Bill withdrawn \* July 13 [Bill 64]

**Public Loans (Ireland) Remission Bill**

(*Mr. Chancellor of the Exchequer, Lord Frederick Cavendish*)

c. Resolution considered in Committee July 11, 622

Resolution reported, and agreed to; Bill ordered; read 1<sup>o</sup> \* July 12 [Bill 212]

Read 2<sup>o</sup> \* July 18

Committee; Report July 21, 1592

Read 3<sup>o</sup> July 22, 1674

l. Read 1<sup>a</sup> \* (*Lord Thurlow*) July 25 (No. 176)

**Public Works Loans [Advances]**

c. Resolution considered in Committee July 22, 1734 [House counted out]

Resolution reported, and agreed to July 25

Instruction to the Committee on the Public Works Loans Bill, That they have power to make provision therein pursuant to the said Resolution; also to make provision for the erection and maintenance of a Lighthouse on the Island of Minicoy; and for amending "The Labouring Classes Lodging Houses and Dwellings Act (Ireland) 1866"

**Public Works Loans Bill**

(*Mr. Chancellor of the Exchequer, Mr. Dodson, Lord Frederick Cavendish*)

c. Resolutions considered in Committee July 11, 622

Resolutions reported, and agreed to; Bill ordered; read 1<sup>o</sup> \* July 12 [Bill 211]

Read 2<sup>o</sup> \* July 21

Committee; Report July 27

**PULESTON, Mr. J. H., Devonport**

Charitable Trusts, 1134

Mercantile Marine—Pilotage at Swansea, 248

Parliamentary Elections—Registration and Qualification of Voters, 1263

**Railways**

*Continuous Brakes*, Observations, Question, Earl De La Warr; Reply, Lord Sudeley; short debate thereon July 18, 1101

*Railway Carriages*, Question, Colonel Barne; Answer, Mr. Chamberlain July 19, 1262

**Railways—Joint Stations**

Resolution, The Earl of Belmore July 13, 1345; after short debate, Motion withdrawn

**RAMSAY, Mr. J., Falkirk, &c.**

Land Law (Ireland), Comm. cl. 26, 696; *add. cl.* 1491; Amendt. 1511

**RATHBONE, Mr. W., Carnarvonshire**

Africa (South)—Transvaal Rising, 1378; Res. Amendt. 1784, 1791, 1793  
Land Law (Ireland), Comm. cl. 26, 683; *cl.* 36, 1052

**REDESDALE, Earl of (Chairman of Committees)**

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**REDMOND, Mr. J. E., New Ross**

Land Law (Ireland), Comm. cl. 46, 1192, 1283;  
Postponed *cl.* 34, 1414; *add. cl.* 1668, 1720, 1722

**Reformatory Institutions (Ireland) Bill**  
(*Mr. O'Shaughnessy, Mr. Gabbett, Mr. Gray*)

- c. Committee \* (*on re-comm.*); Report July 13  
Considered \* July 15 [Bill 190]  
Read 3<sup>o</sup> \* July 19  
l. Read 1<sup>o</sup> \* (*The Lord Emly*) July 20 (No. 172)  
Read 2<sup>o</sup> July 25, 1734  
Committee \*; Report July 26

**Regulation of the Forces Bill**

(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman*)  
c. Read 2<sup>o</sup>, after short debate July 11, 620  
[Bill 193]

**Removal Terms (Scotland) Bill**

(*Mr. James Stewart, Dr. Cameron, Mr. Patrick, Mr. Fraser-Mackintosh*)  
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 8, 474; Moved, "That the Debate be now adjourned" (*Mr. Orr Ewing*); after short debate, Question put, and agreed to; Debate adjourned  
Debate resumed July 20, 1444; Question put, and agreed to; Committee—*s.r.* [Bill 8]  
Committee—*s.r.* July 21, 1597  
Committee; Report July 22, 1732  
Considered; read 3<sup>o</sup> July 25  
l. Read 1<sup>o</sup> \* (*Earl of Camperdown*) July 26 (No. 184)

**REPTON, Mr. G. W. J., Warwick**

Parks (Metropolis)—Hyde Park, 1450

**RICHARD, Mr. H., Merthyr Tydfil**

Africa (West Coast)—War with Ashantee—Payment of Fine, 239, 240  
Islands of the Western Pacific—Solomon Islands—Punishment of Natives, 1124

**RICHARDSON, Mr. J. N., Armagh Co.**

Land Law (Ireland), Comm. cl. 19, 372; *cl.* 26, 816; Amendt. 921, 923; *cl.* 44, Amendt. 1152, 1155, 1158; Postponed *cl.* 34, 1410  
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**RICHMOND AND GORDON, Duke of**

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**RIDLEY, Sir M. W., Northumberland, N.**

Land Law (Ireland), Comm. cl. 13, Amendt. 178

**RITCHIE, Captain C. T., Tower Hamlets**

Land Law (Ireland), Comm. cl. 22, 452; *cl.* 26, 744

**Rivers Conservancy and Floods Prevention**

(*re-committed*) Bill [H.L.] (*Mr. Dodson*)  
c. Questions, Mr. Evans Williams, Viscount Folkestone; Answers, Mr. Gladstone July 18, 1136  
Committee deferred, after short debate July 18, 1228 [Bill 120]  
Committee deferred, after short debate July 21, 1591

**Roads Provisional Order (Edinburgh)**

Bill (*Secretary Sir William Harcourt, The Lord Advocate*)  
c. Bill withdrawn \* July 13 [Bill 185]

**ROGERS, Mr. J. E. Thorold, Southwark**

Water Supply (Metropolis)—Southwark and Vauxhall Water Company, 1740

**ROSEBERRY, Earl of**

Claims of the Peerage, &c. Motion for a Select Committee, 356

**ROUND, Mr. J., Essex, E.**

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**Royal Princess, The—False Rumours**

Question, Mr. W. H. Smith; Answer, Mr. Trevelyan July 5, 28

**RUSSELL, Mr. O., Dundalk**

Land Law (Ireland), Comm. cl. 8, 89; *cl.* 9, Amendt. 101, 110, 121, 130; *cl.* 17, 282; *cl.* 19, 294, 317; Amendt. 336, 340; *cl.* 22, Amendt. 404, 439; *cl.* 24, 461; *cl.* 25, Amendt. 463, 468, 556, 562, 563, 564, 571; *add. cl.* 1575, 1643, 1679, 1699, 1715, 1716  
Protection of Person and Property (Ireland) Act, 1881—Treatment of Prisoners under the Act, 1745

**Russia, Foreign Jews in—Expulsion of Mr. L. Lewisohn, a Naturalized British Subject**

Question, Baron Henry De Worms; Answer, Sir Charles W. Dilke July 7, 240

**RYLANDS, Mr. P., Burnley**

Public Loans (Ireland) Remission, Comm. 1592

**Sale and Use of Poisons Bill** [H.L.]

(*The Duke of Richmond*)

l. Presented ; read 1<sup>st</sup> July 12 (No. 159)

Read 2<sup>nd</sup> July 15

Committee discharged \* July 18

**Sale of Intoxicating Liquors on Sunday Bill**

(*Mr. Stevenson, Mr. Birley, Mr. William*

*M'Arthur, Mr. Charles Wilson, Mr. Walter James*)

c. Bill withdrawn \* July 12 [Bill 55]

**SALISBURY, Marquess of**

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Sugar Industries—Petition from the Island of Barbadoes, 220, 226, 230

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(*Sir Joseph Bailey, Mr. Dilkyn, Mr. Dodds,*

*Mr. Howard*)

c. Bill withdrawn \* July 11 [Bill 49]

**SANDON, Right Hon. Viscount, Liverpool**

French General Tariff, The New, 29, 30, 34 ;  
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Admission of Artists on Wednesdays—  
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Question, Mr. Coope ; Answer, Mr. Shaw  
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*Endowed Institutions (Scotland) Act, 1878—  
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July 7, 213 ; Questions, Sir David Wedder-  
burn, Mr. Webster ; Answers, Mr. Gladstone  
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*The Edinburgh Volunteer Review, Question,*  
Mr. Hamilton ; Answer, Mr. Childers July 15,  
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*The Magistracy—Sheriff Clerk of Fife, Question,*  
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342 ; after short debate, Motion agreed to

**SCOTT, Lord H. J. M. D., Hants, S.**

Land Law (Ireland), Comm. add. cl. 1574

**Seed Supply and other Acts (Ireland)  
Amendment Bill**

(*Mr. William Edward Forster, Lord Frederick*  
*Cavendish, Mr. Solicitor General for Ireland*)

c. Motion for Leave (*Mr. W. E. Forster*) July 18,  
1233 ; Motion agreed to ; Bill ordered ;  
read 1<sup>st</sup> [Bill 217]

Read 2<sup>nd</sup> July 21

Committee \* ; Report ; read 3<sup>rd</sup> July 22

l. Read 1<sup>st</sup> (*The Lord Carlingford*) July 25  
Read 2<sup>nd</sup> July 26, 1892 (No. 177)

**Seeds Act, 1880—Postponement of Special  
Rate**

Question, Mr. O'Connor Power ; Answer, Mr.  
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**SHAFTESBURY, Earl of**

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**SHAW, Mr. W., Cork Co.**

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cl. 19, 306 ; cl. 22, 414, 450 ; cl. 25, 560,

675 ; cl. 26, 778, 873, 969 ; cl. 31, Amendt.

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1291 ; Postponed cl. 27, 1388 ; cl. 34, 1412 ;

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**SMITH, Right Hon. W. H., Westminster  
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poned cl. 27, 1383 ; cl. 34, 1396 ; add. cl.

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**SMYTH, Mr. P. J., *Tipperary***

Land Law (Ireland), Comm. Postponed *cl.* 34, 1405  
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**Solent Navigation Bill**

(*Mr. Ashley, Mr. Chamberlain, Mr. Trevelyan*)  
a. Ordered; read 1<sup>st</sup> *July* 8 [Bill 207]

**SOLICITOR GENERAL, The (Sir FARRER HERSCHELL), *Durham***

Land Law (Ireland), Comm. *cl.* 12, 137; *cl.* 13, 154; Amendt. 155; *cl.* 26, 877, 883, 885; *cl.* 42, 1093; *cl.* 46, 1191; *cl.* 47, 1340; *add. cl.* 1482, 1484, 1505, 1507, 1519, 1582, 1586, 1587; Consid. *cl.* 1, 1916; *cl.* 3, 1919; *cl.* 6, 1933

**Solicitors' Remuneration Bill [H.L.]**

c. Committee; Report *July* 5, 138 [Bill 100]  
Considered *July* 7  
Read 3<sup>rd</sup> *July* 8

**Solway Fisheries (Scotland) Bill [H.L.]**

(*The Earl of Galloway*)

l. Order for 2R. discharged *July* 19 (No. 144)

***Spain—Commercial Treaty with (Negotiations)***

Question, Mr. Jackson; Answer, Sir Charles W. Dilke *July* 14, 860; Question, Mr. O'Shea; Answer, Sir Charles W. Dilke *July* 22, 1611

***Spain and England—Gibraltar—The Neutral Ground and Maritime Jurisdiction***

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**STANLEY, Right Hon. Colonel F. A., *Lancashire, N.***

Land Law (Ireland), Comm. *cl.* 26, 796; Consid. *cl.* 17, Amendt. 1990

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**Statute Law Revision and Civil Procedure Bill [H.L.]**

(*The Lord Chancellor*)

l. Read 2<sup>nd</sup> *July* 7 (No. 140)

Committee; Report *July* 8

Read 3<sup>rd</sup> *July* 15

c. Read 1<sup>st</sup> (*Mr. Attorney General*) *July* 20

Moved, "That the Bill be now read 2<sup>nd</sup>" *July* 21, 1595; after short debate, Moved, "That the Debate be now adjourned" (*Mr. T. P. O'Connor*); after further short debate, Question put; A. 5, N. 71; M. 66 (D. L. 319)

Original Question put, and agreed to; Bill read 2<sup>nd</sup> [Bill 219]

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jects on Board a Russian War-Ship, 21  
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poned *cl.* 34, 1401

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Land Law (Ireland), Comm. *cl.* 26, 749, 750

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*Co.*  
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Amendt. 286; *cl.* 20, Amendt. 395, 399;  
*cl.* 25, 553, 670; *cl.* 26, 798; *cl.* 47, Amendt.  
1313, 1314; *add. cl.* 1438, 1501, 1674;  
Consid. *add. cl.* 1911, 1912; *cl.* 18, 1994

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*cl.* 47, 1335; *add. cl.* 1666; Consid. *cl.* 7,  
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Prisoner under the Act, 1467

# Summary Jurisdiction (Process) Bill (*The Earl of Dalhousie*)

*l.* Report \* July 5 (No. 124)  
Read 3\* \* July 7  
Royal Assent July 18 [44 & 45 Vict. c. 24]

# Summary Procedure (Scotland) Amend- ment Bill [H.L.] (*The Earl of Dalhousie*)

*l.* Committee July 15, 4 (No. 99)  
Report of Amendt. put off, after short de-  
bate July 7, 211  
Report July 12, 633  
Read 3\* \* July 14 (No. 161)  
*c.* Read 1\* \* (*Lord Advocate*) July 15 [Bill 216]  
Moved, "That the Bill be now read 2\*"  
July 18, 1230; after short debate, Moved,  
"That the Debate be now adjourned"  
(*Colonel Alexander*); Question put, and  
agreed to; 2R. deferred  
Read 2\* \* July 21

SUMMERS, Mr. W., *Stalybridge*  
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*c.* Ordered; read 1\* \* July 26 [Bill 228]

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*Army Estimates—Natal and the Transvaal*  
*Military Expenditure*, Question, Lord Eus-  
tace Cecil; Answer, Mr. Childers July 11,  
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# Supreme Court of Judicature Bill [H.L.] (*The Lord Chancellor*)

*l.* Presented; after short debate, Bill read 1\*  
July 5, 9 (No. 147)  
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Read 3\* \* July 22  
*c.* Read 1\* \* July 26 [Bill 227]

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Land Law (Ireland), Comm. cl. 8, 89; cl. 9, 121; cl. 17, 278; cl. 24, 461; cl. 31, 1022

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(*Sir John Lubbock, Mr. Playfair, Mr. Balfour*)

a. Bill withdrawn \* July 19

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**THOMASSON, Mr. J. P., Bolton**

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Petroleum (Hawking), Comm. 1967

**THOMPSON, Mr. T. C., Durham**

Land Law (Ireland), Comm. cl. 26, 874, 964, 966

**THOMSON, Mr. H., Newry**

Land Law (Ireland), Comm. add. cl. 1515

**THORNHILL, Mr. T., Suffolk, W.**

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**TOLLEMACHE, Mr. H., Cheshire, W.**

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**TOTTENHAM, Mr. A. L., Leitrim**

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**Tramways Orders Confirmation (No. 1)****Bill**

l. Read 2<sup>a</sup> \* July 5 (No. 125)

Committee \* July 7

Report \* July 8

Read 3<sup>a</sup> \* July 11

Royal Assent July 18 [44 & 45 Vict. c. cv]

**Tramways Orders Confirmation (No. 2)****Bill**

l. Read 2<sup>a</sup> \* July 5 (No. 126)

Committee \*; Report July 18

Read 3<sup>a</sup> \* July 19

**Tramways Orders Confirmation (No. 3)****Bill**

l. Read 2<sup>a</sup> \* July 5 (No. 136)

Committee \* July 7

Report \* July 8

Read 3<sup>a</sup> \* July 14

**Treaty of Berlin—Article 61—Armenia**

Question, Mr. Baxter; Answer, Sir Charles W. Dilke July 21, 1453

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(*Mr. Hibbert, Mr. Dodson*)

- a. Ordered; read 1<sup>o</sup> July 6 [Bill 206]  
Read 2<sup>o</sup> July 11  
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Read 3<sup>o</sup> July 18
- l. Read 1<sup>o</sup> (*Lord Carington*) July 19 (No. 170)

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- l. Presented; read 1<sup>o</sup> July 25 (No. 178)

**Universities (Scotland) Registration of Parliamentary Voters, &c. Bill [H.L.]**

(*The Lord Watson*)

- l. Read 2<sup>o</sup> July 11 (No. 130)  
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**Veterinary Surgeons Bill [H.L.]**

(*The Lord Aberdare*)

- l. Report\* July 5 (No. 127)  
Read 3<sup>o</sup> July 7
- a. Read 1<sup>o</sup> (*Mr. Mundella*) July 12 [Bill 214]  
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(*The Earl of Dalhousie*)

- l. Committee\* July 12 (No. 102)  
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